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THE

CRIMINAL LAW

OF

THE BENGAL PRESIDENCY.

BY

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ASSISTANT MAGISTRATE OF ALLAHABAD, AND ONE OF H. M.'S JUSTICES OF THE PEACE FOR THE NORTH-WEST PROVINCES OF THE BENGAL PRESIDENCY.

IN TWO VOLUMES.

VOL. II.

CALCUTTA:

THACKER, SPINK & CO.

BOMBAY: THACKER, VINING & Co. LONDON: W. THACKER & Co.

1873.

343.09541
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CALCUTTA:
PRINTED BY THACKER, SPINK AND CO.

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APPENDIX.

ABSCONDED OFFENDERS.

In the Punjab, a complete alphabetical list of all such offenders at large, up to the 1st January 1867, has been issued in a bound-up volume. This is corrected annually.

Each district to keep a serial number of absconders, commencing and ending with each year.

In cases where a reward is offered, or the name and description of offender known, or stolen property can be accurately described, a hue-and-cry notice should be sent for insertion in the *Sirkari Akhbar*, so as to reach Lahore by the 25th of the month. There is a vernacular form prescribed for such notices.—*Pol. Man.*

In Oudh, the Judicial Commissioner has given the following instructions:—

A distinction should be drawn between cases in which certain persons are judicially prescribed and proclaimed, and those in which no evidence against particular individuals has been recorded. In cases in which there is *primâ facie* evidence against a person who is supposed to have fled from justice, that evidence should be judicially recorded, and it will be for the Judicial Officer to determine whether it is sufficient to justify a proscription; methodical registers of such prescribed persons should still be kept up by Magistrates, who will communicate the particulars to the police, so as to enable them to adopt measures for the apprehension. When upon their evidence a man is declared to be *primâ facie* guilty and a fugitive from justice, he is in fact adjudged an outlaw, and the Magistrate being judicially satisfied will proceed as directed in Sections 171 and 172 of the Code of Criminal Procedure. Certain rewards for the apprehension of criminals can be sanctioned by Judicial Officers, and in some cases by officers of Police. When the application for reward is founded upon judicial evidence and proceedings, it will now be proper that it should be made in the Judicial Department.

The Police may, for their own purposes, propose a reward for the discovery of persons unknown who have committed a crime, or of any person whom they wish to find, even though there be as yet no tangible or publicly-declared evidence of guilt. They may wish to get hold of and question a person merely suspected, or a witness, or a missing plaintiff, and may obtain sanction for rewards in such cases through the channels which are prescribed for Police applications. And they may also keep their own lists of persons who are marked and wanted by them, in addition to those who have been judicially proscribed. But these matters of Police should be kept quite apart from the Judicial proceedings.

Cases of Judicial proscription will occur—

1*st*.—In regard to very heinous offences, in which, although the accused persons are not seized, the evidence implicating them is put on record. Under this head will also come the cases of escaped prisoners.

2*nd*.—In any case in which one or more of the parties being apprehended and tried, the evidence implicates other parties who appear to be fugitives from justice, and who are on that account proscribed and proclaimed.

Tahsildars and Assistants must report all such cases to the Deputy Commissioner, on whose authority they will be entered in the district list.

When the evidence is not considered sufficient to justify the imputation of *primâ facie* guilt to persons whose names may have been brought forward by the Police or otherwise, the circumstance should be noted.

At the time of entering any person in the proscribed list, the Magistrate will sanction, or make application for sanction of, any reward which he considers necessary, quoting the result of his judicial investigation; and rewards in such cases, when exceeding the Commissioner's competency, should be referred to the Judicial Commissioner.

The register of judicially proclaimed offenders will then be kept up in the Magistrate's office, the only difference from the former practice being that any persons hitherto entered on vague suspicion, or on purely Police grounds, without the record of evidence against them, will be omitted.

Magistrates should, however, be careful that no heinous criminals against whom evidence exists are omitted merely from failure to record the evidence. In serious cases, absconded criminals should be entered both in the district in which they were proclaimed and in that (if another) in which their homes are situated; but the district registers should not be overburdened with all the names proclaimed in any district.

In very heinous cases, even when no particular offenders are implicated by name, the evidence of the circumstances attending the perpetration of the crime should be put on record for future use. In ordinary cases, the Police inquest may suffice, but whenever there are circumstances of unusual atrocity, difficulty, or importance, the local Magistrate (Tahsildar or Honorary Assistant, whoever he may be) should proceed to the spot and make a judicial precognition and record. When the case is sufficiently important, a European officer should not fail to do the same. All proclamations for the arrest of offenders issued by Magistrates should be sent in the first instance to the District Superintendent of Police, who will have them entered in his office register, and then issue them to all his Police stations. The offender will thus be simultaneously proclaimed at all the Police stations of the district.

For N. W. P. procedure, *see* Appendix, "Register."

AMNESTY ORDERS.

Pardon was thus announced from the Throne:

"Our clemency will be extended to all offenders save and except those who have been, or shall be, convicted of having directly taken part in the murder of British subjects. With regard to such, the demands of justice forbid the exercise of mercy.

"To those who have willingly given asylum to murderers, knowing them to be such, or who may have acted as leaders or instigators in revolt, their lives alone can be guaranteed; but in apportioning the penalty due to such persons, full consideration will be given to the circumstances under which they have been induced to throw off their allegiance, and large indulgence will be shown to those whose crimes may appear to have originated in too credulous acceptance of the false reports circulated by designing men.

"To all others in arms against the Government, we hereby promise unconditional pardon, amnesty, and oblivion of all offences against ourselves, our crown, and dignity, on their return to their homes and peaceful pursuits.

"It is our royal pleasure that these terms of grace and amnesty should be extended to all those who comply with their conditions before the 1st day of January next."

Among the orders passed on the above are the following:—

4th.—No fresh decisions are to be passed for political offences against any persons who do not come within the classes excepted from pardon, *viz.*, murderers, those who have harboured murderers, leaders or instigators of revolt, and those who continue in arms against the Government. This prohibition extends to fine and confiscation under Act X of 1858, as well as under Act XXV of 1857.

5th.—The amnesty does not cover acts of private wrong and injury. But prosecutions on this account are to be discouraged by District Officers, especially where the cause of complaint occurred during a season of anarchy. Where much time has elapsed, such cases should not be admitted, excepting upon strong *primâ facie* grounds, that a heinous offence was perpetrated which still calls for punishment, or a heavy wrong sustained which can now be righted. And in all cases relating to

the period in question, excepting where the defendant may be charged with direct participation in wilful and deliberate murder, compromise between the parties should not only be freely admitted, but recommended and encouraged.—*Agra S. N. A., C. O.*, 4583 of 1858.

Although by neglecting to avail themselves of the Queen's Gracious Pardon before the date prescribed in the Royal Amnesty, these persons may have lost all rightful title to benefit by its provisions, yet the spirit of the Amnesty should be still adhered to in all ordinary cases.—*Agra S. N. A., C. O.*, 5422 of 1858.

"There is no doubt that, literally and legally, the murder of British subjects includes the murder of those who are Natives of India, as well as of those who are English. But in justice and in policy some distinction is to be drawn between the two cases. Many natives have lost their lives by acts which were undoubtedly acts of murder, but which originated in old quarrels or party feuds, or were brought about without premeditation and committed at a time when the restraints of Law and Government were removed, amongst a people who have ever been careless of their own lives and of the lives of their neighbours, although they had hitherto learnt to respect the life of an Englishman.

"In such cases to pursue enquiry respecting every rebel suspected of being a partner in murder, would be to keep numberless towns, villages and districts in a ferment, and would inspire the community generally with little confidence in the true value and spirit of the Proclamation; and as conviction would be very difficult, the country would in most places be kept in agitation without any satisfactory result.

"Therefore, as a general rule, officers of Government should not closely investigate cases in which life has been taken under circumstances such as I have described, but they should allow the suspected rebel to benefit by the Amnesty.

"In cases where the act has been committed without provocation in a cold-blooded, deliberate manner, or with circumstances of peculiar aggravation, His Lordship would wish it to be dealt with as at any other time."—*Agra S. N. A., C. O.*, 5906 of 1858.

Magistrates are strictly ordered to discourage, by every means in their power, private prosecutions for wrongs done during the rebellion; and also to refrain from pursuing any enquiry on the part of Government into cases attended with murder and plunder, which do not present circumstances of peculiar aggravation.—*Agra S. N. A., C. O.*, 27 of 1859.

APPRENTICES.—*Act XIX of* 1850—*Universal.*

For better enabling children, especially orphans and poor children brought up by public charity, to learn trades, &c., by which, when they come to full age, they may gain a livelihood, it is enacted as follows:—

I.—Any child, above the age of ten, and under the age of eighteen years, may be bound apprentice by his or her father or guardian to learn any fit trade, craft or employment, for such term as is set forth in the contract of apprenticeship, not exceeding seven years, so that it be not prolonged beyond the time when such child shall be of the full age of twenty-one years, or in the case of a female beyond the time of her marriage.

II.—The age set forth in the contracts shall be evidence of the age of the child in all questions which arise as to the right of the master to the continuance of the service.

III.—Any Magistrate or Justice of the Peace may act with all the powers of a guardian under this Act, on behalf of any orphan, or poor child abandoned by its parents, or of any child convicted before him or any other Magistrate, of vagrancy or the commission of any petty offence.

IV.—An orphan or poor child, brought up by any public charity, may be bound apprentice by the Governors, Directors or Managers thereof, as his or her guardians for this purpose.

V.—Any such boy may be bound as an apprentice in the sea service to any of Her Majesty's subjects being the owner of any registered ship belonging to, and trading from, any port in the Territories under the Government of the East India Company, which has been declared to be a registering port under Act X., 1841, to be employed in any such ship the property of such person, commanded by a British subject, and, while so employed, to be taught the craft and duty of a seaman.

VI.—Any such boy may be bound in like manner for sea service in any ship of the East India Company belonging to any such port, commanded by a British subject, in which case the contract shall be made with the Master Attendant at such port, or any officer appointed to represent the East India Company in this behalf, who shall appoint the ship in which such apprentice is to serve from time to time.

VII.—The Master or Commander of any ship in which an apprentice bound to the sea service shall be appointed to serve by the party to whom he is bound, shall be deemed the agent of such party for the purpose of this Act.

VIII.—Every contract of apprenticeship shall be in writing according to the form given in Schedule (A.), or to the like effect, which shall set forth the conditions agreed upon, particularly specifying the age of the apprentice, the term for which he is bound, and what he is to be taught.

IX.—Every such contract shall be signed by the person to whom the apprentice is bound, and by the person by whom he is bound, and by the apprentice when he is of the age of fourteen years or more at the time of binding; but when the apprentice is bound by the Governors, Directors or Managers of a Public Charity, the signature of two of them, or of their Secretary or Officer, shall be sufficient on behalf of the persons binding the apprentice.

X.—No such contract shall be valid unless it be executed in the manner aforesaid, or until it has been deposited in the office of the Chief Magistrate of the place or district where it has been executed, or if the apprentice is bound to the sea service, in the office of the person appointed under Act X., 1841, to make registry of ships at the port where the apprentice is to begin his service; and the person in whose office any such contract is deposited shall give to each of the parties a copy thereof, certified under his hand, which certified copies shall be received as evidence of the contract, without formal proof of the handwriting of the Magistrate or Registering Officer.

XI.—The terms of service may be changed at any time during the apprenticeship, or the contract may be determined, with the consent of both parties to the contract or their personal representatives, and with the consent of the apprentice, if he is above the age of fourteen years; provided that the changes agreed to, or the termination of the contract, shall be expressed in writing on the original contract, with the signature of the proper parties, according to Section VIII. of this Act; and the Magistrate or Registering Officer shall thereupon make under his hand corresponding endorsements on the office copies, which shall be brought to him at the same time for that purpose.

XII.—The master of any apprentice bound under this Act, may, with the consent of the person by whom he was bound, and with the consent of the apprentice, if he is above the age of fourteen years, assign such apprentice to any other person who is willing to take him for the residue of his apprenticeship, and subject to the condition thereof; provided that such person shall by endorsement under his own hand on the contract declare his acceptance of such apprentice, and acknowledge himself bound by the agreements and covenants therein mentioned, to be performed on the part of the master, and that the consent of the other parties aforesaid shall be expressed in writing on the same, and signed by them respectively: and every such assignment shall be certified on the office copies of the contract under the hand of the Magistrate or Registering Officer according to the form given in Schedule (B) annexed to this Act

XIV.—No contract of apprenticeship shall be cancelled, nor shall any master or his agent be liable to any criminal proceeding, on account of such moderate chastisement for misbehaviour, given to any apprentice by his master or the agent of his

master, as may lawfully be given by a father to his child; and the provision for enabling the contract of apprenticeship to be cancelled shall not bar any criminal proceeding against any master or his agent for an assault or other offence committed against his apprentice, for which he would be liable to be punished, had it been against his child, whether or not any proceedings be taken for cancelling the contract of apprenticeship.

XVI.—Upon complaint of wilful and repeated ill-behaviour on the part of the apprentice, and on the demand of the master, the Magistrate may order the contract of apprenticeship to be cancelled, whether or not the charge is proved, but only with the consent of the apprentice and of his father or guardian, if the charge is not proved: and such cancelling shall be with or without refund of the whole or part of any premium that may have been paid to the master on binding such apprentice, as to the Magistrate seems fit on consideration of the case; and all sums so refunded shall be applied under the direction of the Magistrate for behoof of the apprentice.

XVII.—The Magistrate may order any sum recovered for behoof of the apprentice on cancelling the contract to be either laid out in binding him to another master, or otherwise for his benefit, or to be paid to the person by whom any premium was paid when he was bound apprentice.

XVIII.—No Magistrate shall entertain a complaint on the part of a master against an apprentice under this Act, unless it be brought within one month after the cause of complaint arose; or if the cause of complaint arose on boardship during a voyage, within one month after the arrival thereof at a port or place in the said territories. And no Magistrate shall entertain a complaint on the part of an apprentice against his master or the agent of his master under this Act, unless it be brought within three months after the cause of complaint arose; or, if the cause of complaint arose on boardship during a voyage, within three months after the arrival thereof at a port or place in the said territories.

XIX.—If the master of any apprentice shall die before the end of the apprenticeship, the contract of apprenticeship shall be thereby determined; and a proportionate part, corresponding to the unexpired portion of the term, of any premium, which shall have been paid to such master on the binding of the apprentice to him, shall be returned by the executors or administrators out of the estate of the deceased to the person or persons who shall have paid the same; unless the executors or administrators of the deceased master shall continue the business in which such apprentice shall have been employed, and shall, within three months from the death of the late master, make offer in writing to keep the apprentice on the terms of the original contract, in which case the estate of the deceased shall be discharged from all liabilities on account of such premium.

XX.—If such offer to keep the apprentice shall be made as aforesaid, the same shall be fully expressed and certified by the executors and administrators on the original contract of apprenticeship, and also on the office copies thereof, by the Magistrate or Registering Officer; and the apprentice shall be bound to the executors or administrators so keeping him for the remaining term of his apprenticeship.

XXI.—Any apprentice bound under this Act, whose master shall die during the apprenticeship, shall be entitled to maintenance for three months from and after the death of his master out of the assets left by him; provided that during such three months such apprentice shall continue to live with, and serve as an apprentice, the executors or administrators of such master, or such person as they shall appoint.

XXII.—The apprentice of any person against whom a Commission of Bankruptcy shall be issued, or who shall be adjudged to have committed an act of insolvency during the apprenticeship, shall be discharged from all obligation under the contract of apprenticeship; and if any premium was paid on binding him as an apprentice, he or the person by whom he was bound shall be entitled to claim the amount thereof as a debt against the estate of the bankrupt or insolvent.

XXIII.—For the purpose of this Act, all British subjects, wherever or of whatever parents born, as well as other persons in the Territories under the Government of the East India Company, without the Towns of Calcutta and Madras, and the

Town and Island of Bombay, shall be amenable to the jurisdiction of the Courts and Magistrates of the East India Company.

XXIV.—An appeal shall lie from any order passed by any Magistrate without the said Towns and Island to the Court of Session to which such Magistrate is subordinate, provided the appeal is made within one month from the date of the order.

XXV.—In this Act the words "master," "owner," "person," and the pronoun "he" shall be understood to include several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless there is something in the context repugnant to such construction.

SCHEDULE A.

Form of Agreement.

This Agreement made the day of in the year between A. B., of and C. D., of witnesseth that the said A. B. doth this day bind E. F., a boy (or girl) of the age of years completed, son (or daughter) of the said A. B. (or otherwise describing the relation in which A. B. and E. F. stand), to dwell with and serve the said C. D., as an apprentice, from this day forth for years (in the case of a girl add, or until the time of her marriage, which shall first happen), during all which term the said apprentice shall duly and faithfully serve the said C. D., according to his (or her) skill and ability in all lawful business, and demean and behave himself (or herself) honestly, orderly, and obediently, in all things, toward the said C. D. and his (or her) family. And the said C. D., for himself (or herself) and his (or her) executors and administrators, in consideration (of the premium or sum of paid by the said A. B. to the said C. D., the receipt whereof the said C. D. hereby acknowledges, and) of the faithful service of the said E. F., doth convenant and agree with the said A. B., his (or her) executors and administrators, that he (or she) will teach, or cause to be taught, to the said E. F., in the best way and manner that he (or she) can, the trade (craft or employment) of a during the said term; and will also, during the said term, find and allow unto the said apprentice good, wholesome and sufficient food, clothes, lodging, washing, and all other things necessary, fit and reasonable for an apprentice: (and further, here insert any special covenants).

If there is no premium the words between brackets may be omitted.

SCHEDULE B.

Form of Order of Assignment.

(To be endorsed on the Agreement.)

Be it known to all men that, on the day of in the year C. D., of , personally appeared before G. H., Magistrate of , with E. F., his (or her) apprentice, and J. K., of , and desired that the agreement of apprenticeship, whereby the said E. F. was bound to the said C. D., might be assigned and made over to the said J. K.; and the said G. H. having satisfied himself, by personal examination of the said E. F., and by other lawful ways and means, that such assignment is for the benefit of the said E. F., and is made with the consent of (the said E. F., and of) all persons whose consent thereunto by law is required, doth allow such assignment: and the contract of apprenticeship whereby the said E. F. was on the day of in the year bound to the said C. D., as an apprentice to learn the trade (craft or employment) of a , shall henceforth endure, unto the end of the said term, as if the said J. K. had been originally party to the said deed, and had executed the same, in the place and instead of the said C. D., and shall be bound, for himself (or herself), his (or her) executors or administrators, to fulfil the covenants by the said C. D. to be performed; and the said E. F. shall henceforth

If E. F. is not above the age of fourteen years, the words between brackets may be omitted.

be bound unto the said J. K., in like manner as he (or she) was by the said agreement bound unto the said C. D.

C. D. E. F. J. K.

In witness whereof the said C. D., E. F. and J. K. have hereunto set their hands before me the day and year above written.

G. H., *Magistrate.*

Schedule of Offences punishable under Act XIX of 1850.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue first.	Bailable or not.	Punishment.	By what Court triable.
13	Refusal or neglect to provide for an apprentice bound under this Act or to teach him according to the contract, cruelty or ill-treatment by master or agent of such master.	Apprentice who has suffered or any person on his behalf.	N. C.	S.	B.	Cancelling of contract, and may assess for benefit of apprentice a reasonable sum not exceeding four times the amount of premium, or if premium be less than Rs. 50, or there be none, not exceeding Rs. 200.	Any M.
15	Ill-behaviour of apprentice bound under this Act, or his absconding.	Any person on behalf of master.	"	W.	"	One month's confinement in debtor's prison or other suitable place not being a criminal jail: of this one week may be solitary confinement and private whipping if it be a boy under 14; but if a jail or whipping not thought suitable, then the order may be for close confinement in the master or agent's house, or on board the vessel to which apprentice belongs, upon bread and water or other plain food not injurious to his health for not more than one month.	"

Remarks.—In an offence under section 13, service of summons must be proved, but complaint may be inquired into whether the master or agent appear or not: if sum assessed be not paid, it may be levied by distress and sale of goods and chattel; and if offender be not the master but his agent, then by distress and sale of the latter's goods also.

ARMS—*See* Appendix, " Weapon."

APPROVERS.

In the Punjab, District Superintendents are directed (C. O., II of 1865) to request the recommendation of a conditional pardon from the Magistrate and Sessions Judge only when it is evident that the person for whom it is asked is one of a band of thugs, dacoits or professional swindlers.

BAD CHARACTERS.

In the North-Western Provinces.

A Register is kept up at each Police Station for these, called Register No. 10.

I.—Register No. 10 will be kept separately under lock-and-key of the officer in charge of the Station.

II.—Names only of those offenders living within the Station jurisdiction (whether time-expired convicts or not) should be entered in Register No. 10 whose notoriously bad character or conduct have rendered them objects of suspicion, who are suspected of crime, and whose proceedings it is necessary to watch, *e.g.*, notorious receivers and vendors of stolen property.

III.—This surveillance should be secretly exercised. It may not be possible to conceal the fact of his being watched from the person himself; but every action should be avoided that would make the surveillance known to others.

IV.—The surveillance should be maintained by the officer in charge of the Station by personal inquiry during his walks of observation, by inquiring through the most trustworthy of his subordinates attached to the circle within which the individual lives, and by constant inquiry from the headman and the chowkeedar of the village or mohullah.

V.—On first entry of a man's name, every particular regarding his ostensible means of livelihood, his former career, with note of offences and dates of former imprisonment and dates of release, his profession or trade, his manner of living, his associates and relations, his absence from home, and such like, should be carefully ascertained and categorically recorded.

VI.—The entry should be permanent, not annually renewed. No name should be removed until the Magistrate of the District or the District Superintendent has fair ground for believing there is no reason for keeping the name any longer on the book.

VII.—All subsequent convictions and discharge from prison, with date, to be noted. In the column of Remarks, *only* the result of observation *after* original entry should be recorded. The officer in charge of the station should always note anything new discovered about the man, and once a month, if no other entry is made, should state the general result of personal observation.

The following judgment of the High Court, North-Western Provinces, on this Register should be carefully noted:—

Extract from the decision of the High Court in the case of Baboo Lall and Duttee Lall v. Lieutenant N. M. T. Horsford, District Superintendent of Police, and Narain Singh, Kotwal of Allahabad.

"We think it proper to state in this place the opinion which is entertained by us, and we believe we may say also by the other learned Judges of the Court, with respect to the legitimate use which may be made by the Police of Register No. 10, which is more generally known as the 'Budmash List.' For the protection of the public, it has been found necessary in every civilized State to constitute certain persons officers for the prevention and detection of crime; and to render them efficient, it has also been found necessary to confer on them powers of interfering with the liberties of their fellow-citizens, which, if exercised by private persons, would render them liable to civil proceedings. It is necessary for the efficiency of the Police that they should possess information of the names of persons who are likely to commit offences; and inasmuch as changes must of necessity constantly take place in the members who constitute the Police Force, it is also necessary that the information abovementioned should be preserved. To effect this, registers are ordinarily kept, showing the names of persons who have committed, or who on strong grounds are

suspected of the commission of, offences. Such a register, accurately compiled and strictly reserved for the purpose for which it is designed—the private use of the Police—may be of great advantage to the public in enabling the Police to perform their duties effectually. But if this register be a public register, or if the persons having the custody of it allow its contents to be matter of public conversation, we can imagine no greater engine of injustice and oppression.

"The matter recorded is not confined to facts which have been ascertained by fair and open investigation in Courts of Justice. It does, and necessarily must, in a great measure, consist of the results of *ex-parte* investigations made in private by the Police. It is, and necessarily must be, in great part the fruit of rumour and suspicion, and sometimes, it may be, of malice. Were it permitted that such a register should be kept as a register to which the public might have access, or of which the entries were bruited about, the characters of honest men might be blasted, without redress, through the instrumentality of any enemy who could gain the ear or excite the suspicions of the Police. Very shortly after the establishment of this Court, the abuse of this register was on more than one occasion prominently brought to its notice. It had at that time (and we fear the evil has not even yet been cured) come to be regarded as a public register, and Magistrates not unfrequently passed orders directing the entry of a person's name as a kind of punishment. The Court, on the 9th August 1866, addressed the Government of these Provinces on the subject, and pointed out the probabilities and magnitude of the evils of which we have above made mention; and the Government promptly passed an order that entries should only be made by the District Superintendent or the Magistrate in his capacity of Superintendent of Police, and directed that the register should be considered a private register, and only be open to inspection by Officer of Police. In the present case, had the orders of Government been obeyed in spirit as well as in letter, although the plaintiffs might have been unjustly recorded, they would not have been greatly damnified; but no sooner was the entry made, than it became known that it had been made.

In the Punjab.

Here, as in the North-Western Provinces, bad characters are entered in a book called Book No. 10,—all who have been in prison twice or more, men convicted of serious burglaries, theft with wounding or highway robbery, known bad characters, men belonging to a well-known thieving race, such as, Sausees, Bowreahs, &c. Entries in this register are only to be made under the direction of the District Superintendent or his Assistant, and are to be signed by one of them. The rules for surveillance are pretty much the same as those given above.

In the Central Provinces (C. 129 of 1862).

I.—Registers of persons of known bad character shall be kept in all Police Station Houses.

II.—A general Register shall be kept up in the office of the District Superintendent of Police.

III.—Names may be placed on the Register only with the consent of the District Superintendent of Police, who, before permitting an entry to be made, should usually make enquiries from the landholder on whose property the alleged bad character resides.

IV.—The chief landholders should be informed by the District Superintendent of those persons whose names have been entered in the Register.

V.—Should any registered bad characters absent themselves from their usual place of abode at night, the chief landholder on the property should be held responsible for giving immediate information to the nearest Police post of their absence, and again of their return, with such account as he may have been able to ascertain of the cause of their absence.

VI.—If a party thus registered shall desire to be absent from his place of abode, and, at the same time, to save himself from suspicion, he may obtain on application a certificate from the chief landholder, information being simultaneously sent by the latter to the Station House. On such occasions the landholder may furnish the absentee with a written certificate, showing whither going and for what purpose.

VII.—Change of residence should be reported by the landholder to the District Superintendent, who will then inform the Superintendent of the District to which the party has gone, whereupon the latter should act in respect to the new place of abode, and the responsible landholder as laid down in Rule IV.

VIII.—The Police should take every opportunity of ascertaining that the chief landholders act up to their responsibilities defined in Rules V., VI., and VII.

IX.—Twice a year, on the 1st January and 1st July, the Registers of bad characters should be brought under review in order to the removal of the names of those persons who by good conduct may have re-established their character. Every party whose name is thus recorded must be informed of the same; so that if he desire it, he may take measures to vindicate his character.

X.—District Superintendents must request the Deputy Commissioner to give them notice of the intended release of every convict from Jail, the offence for which he was incarcerated, and his conduct during confinement, when, if they think it necessary to place his name on their register, they will inform him of the fact and give notice to the landholder where he is going to reside.

XI.—The Police of each post should be acquainted with the name and personal appearance of every bad character on their list, and, on visiting his registered place of abode, should ascertain that he continues to reside there.

District Superintendents, in promulgating and enforcing these rules, must take precautions against their abuse. They do not confer any new power upon the Police, but are framed to facilitate that vigilant surveillance of notorious bad characters, which is a part of the duty of every constabulary. The fact of knowing that their names are recorded and their movements observed, may also prove a wholesome check upon the parties themselves. In carrying out these instructions, the criminal law must in no instance be infringed; and it must be clearly understood that the Police have no power to place any personal restraint upon registered bad characters, nor to limit in any way the freedom of their action, so long as such action is not a breach of the law.

When the landholders fail in the responsibilities appertaining to them, as defined in these rules, report should be made to the District Officer.

And again, in C. 42 of 1864, Inspectors and Chief Constables of station houses should go about in their circles, and endeavour to gain from the malgoozars, the village kotwars and the people generally, an acquaintance with the known and the suspected bad characters. These should be secretly, but vigilantly watched, their associates noticed, and their movements and occupations observed.

The Police should keep an eye on all drinking-shops and shops for the sale and consumption of opium and other intoxicating drugs. The habitual frequenters of these are usually bad characters.

Members of tribes of professional thieves and dacoits, as Khickorees, Budacks, Bherialis, &c., whenever they enter or reside in a district, should be under close surveillance by the Police.

When a dacoity or robbery occurs, the Police should quietly ascertain whether any, whom they know to be bad characters, were absent from their homes, and how they were supposed to have been employed at the time of the occurrence of the crime; at the same time the houses of persons known, or suspected to be habitual dealers in stolen property, should be observed.

All information regarding the criminal classes, and known and suspected bad characters, should be carefully noted down by the District Superintendent for his own information, and from time to time tested by him as opportunity offers.

CALENDAR OF COMMITMENT TO THE SESSIONS.

Lower Bengal.

In Lower Bengal the so-named Calendar has been discontinued, and the following rules and statements directed:—

I.—Quarterly.

I.—A general abstract of the business which has come in each quarter before the Court of Session in its appellate or superintending capacity. In this statement it is intended that appeals and applications of every kind made to the Court of Session should be exhibited. The form is so simple as to require no explanation.

II.—Quarterly.

II.—This statement, which is to accompany No. 1., will exhibit the result of appeals and applications under Section 434 in detail, showing how the decisions and orders of each Magisterial Officer have been effected. This form is also exceedingly simple. Appeals in Criminal trials include such appeals under Section 409, Code of Criminal Procedure, and also under Section 410. Appeals in other cases include appeals against orders to give security for good behaviour and any appeals allowed by law against orders, not being convictions in Criminal trials. Applications and requisitions under Section 434 have been entered under a separate head, because it has been thought expedient that the extent to which this provision of the law has been resorted to should be recorded, whether the Court of Session has acted on application or of its own motion. Such application, when made by petition to the Court and refused, will be entered in the same column as appeals rejected. When the record has been called for, but the proceedings have not been referred for the orders of the High Court, the case will be entered with orders affirmed. When such referrence has been made, the case will appear under "orders reversed."

III., IV. and V.—Jail Delivery Statements.

III., IV. and V. will be submitted within a week after the close of each Session. Nos. IV. and V. are the same as the present returns bearing those numbers.

In the form which accompanies this C. O.

No. III. is designed to exhibit the results of one Sessions at a single view. In it will be shown the cases of all accused persons who were in Jail or on bail at the commencement of the Sessions, awaiting trial before the Court of Session, and the mode in which each case and person was disposed of.

The High Court has reason to believe that trials are sometimes too lightly postponed. It cannot be too often pointed out that a further detention of an accused person in Jail for perhaps two months is in itself no trivial infliction, and is only justified when there is apparently a good case against the prisoner, and when the Judge is satisfied that, for the ends of justice, it is necessary to postpone the trial.

The High Court, therefore, directs that at each periodical Session all persons awaiting trial be brought before the Judge in open Court; and if the Government Prosecutor should not be prepared to go to trial in any particular case, that he should be required to show cause, properly supported, why the accused should not be acquitted and released, the accused himself being also heard in answer to such cause shown. When any trial is postponed, the ground of postponement is to be shortly stated in the column of "Remarks" in Statement No. III.

Offences are to be stated as concisely as possible with the Section of the Indian Penal Code (or other law) applicable, in the form given.

When solitary confinement is awarded, the fact (specifying the period) is to be stated in red ink in the column of Remarks, opposite the name of the prisoner so sentenced.

A sentence passed in addition to any other sentence in a different case passed at the same Session, or one which is to take effect on the expiration of another sentence which the prisoner may be undergoing, is to be similarly indicated.

Cases will be entered in the order of trial, so as to enable the Judge's Clerk to place each case in the statement at the conclusion of the trial.

Part II.

The smaller form given on the reverse side of this statement is intended to show the number of witnesses and others who have come before the Court at each Session, and the time occupied in disposing of the cases collectively.

The existing rule, under which in all Districts the Sessions are to be held in each alternate month, is abrogated, and the number of Sessions, and the time of holding them, will now be left to the discretion of each Sessions Judge, to be determined according to the varying circumstances of his District and the state of business therein.

The Judge will accordingly, in the first week of December in each year, fix the number of Sessions to be held in the year following, and the dates on which respectively they are to begin (the number varying with the estimated or average number of trials, and not being less than six, or more than ten, in each year); and the Magistrate of the District, in communication with all the Subordinate Magistrates who exercise the power of committing to the Sessions, and obtaining from them the particulars of all cases committed by them, will prepare and submit to the Zillah Judge, two days before the commencement of each Session, a Calendar of all such cases in the form annexed, which will be the basis of the Sessions Judge's Calendar. (Statement No. III.)

The document now misnamed a Calendar will be discontinued, and the names of the witnesses should be placed on the back of the Charge Sheet. The observations or judgment of the Magistrate in committing the prisoner will always go up in original with the record, where, with the original depositions, they should be read by the Judge before the trial. Abstracts of the evidence are considered unnecessary, and they are at times misleading.

The Magistrates will be careful to arrange their commitments with a view to the trials taking place at the earliest or next ensuing Session, in order to avoid the needless detention of accused persons for prolonged periods.

Whenever a commitment is made, intimation will be immediately given to the Court of Session, through the Magistrate of the District, by a letter in the annexed form. It will be unnecessary for the Court of Session to send any answer fixing a date for the trial. But the Judge will be guided by the information which he thus receives in estimating the time which it will be necessary to devote to the Criminal Sessions, and consequently at what period he will be able to take up the Civil business thereafter.

Prosecutors and witnesses will be bound over to appear "at the next Criminal Sessions, commencing on ."

But it will be the duty of the Magistrate, in order to prevent hardship and unnecessary detention to such persons, so to arrange the coming on of cases before the Court of Session, that such parties may not be brought from their homes to the Sudder Station before they are actually required, and that they should have written notice of the specific date on which their attendance will be necessary; and it should be carefully explained that failure to attend will be severely dealt with.

The directions herein contained for committing Magistrates are to be observed, so far as they are applicable, by Civil Courts and other authorities committing persons for trial at the Session.

The rules now communicated will take effect from the 1st July next, and the Zillah Judges will be good enough to fix the Session for the latter half of the year in the first week of June. All such arrangements for the Session (both on the present occasion and afterwards, yearly) are to be reported to this Court for approval, and may be carried out unless the disapproval of the Court be communicated.

(Form of District Magistrate's Calendar.)

Calendar of accused persons for trial before the Court of Session.

SESSION OF 187 .

No. of Case.	Committing Officer.	No. and Name of Accused.	Charges and Section, I. P. C.	Date of Offence.	Date of Apprehension or Appearance to Summons.	Date of Commitment.	In Jail or on Bail.

In the *Central Provinces* no Calendar whatever would seem to be used.

CAMP.

GOVERNOR GENERAL'S-CAMP.—POLICE.

Act No XXVI. of 1836.

1. The Governor-General of India in Council may appoint a Superintendent of the Police of the Camp whenever the Governor-General or Commander-in-Chief of all the Forces in India, or the Lieutenant-Governor of the North-Western Provinces shall pass, &c., attended by a Camp.

2. Such Superintendent to have concurrent jurisdiction with the Magistrate of the zillah or city.

3. The Magistrate shall give effect to a commitment or sentence by such Superintendent, upon a copy thereof being transmitted to him.

4. All officers subordinate to the Magistrate of the zillah or city where such Camp shall be, shall be assisting to the said Superintendent in the exercise of the powers conferred on him by this Act, in the same manner as they are bound to be assisting to the said Magistrate.

In the Punjab.

Whenever the Governor-General or the Commander-in-Chief is proceeding through any part of the General Police District, Deputy Inspectors-General and District Superintendents will accompany the camp through their respective Divisions and Districts.

An intelligent Inspector or Deputy Inspector in command of Reserve Police, drawn from the Head-Quarters of a District, will arrange for the watch and ward of the camp.

The first Deputy Inspector-General, on entering the Second Division, will arrange with the latter for the protection of the camp. The Police supplied are *solely* for watch and ward.

Special Police not paid for and supplied to individual members of Government marching with the camp will, with the exception of mounted orderlies, be absorbed into the general body of Police watching the camp.

District Officer's Camp.

The District Superintendent is generally expected to march with Commissioners and Deputy Commissioners when they go into camp. Extra Assistant Commissioners in the Cis-Indus Districts are not to have guards either in camp or station. If any one such has prisoners in camp with him, one Sergeant and four Foot Constables will guard them by day, and at night take them to the nearest Police station lock-up, returning with them in the morning.—*Police Cir. IX of* 1869.

The rules for the *Central Provinces* are the same as those in the Punjab as far as possible. In addition, there are the following, which should not be overlooked.—*Cir.* 139 *of* 1862.

The Inspector of the circle will always accompany the camp, and remain with it until relieved by the Inspector of the next circle, and so on.

The Chief Constable of every station house near which the Chief Commissioner may pass, will proceed to the camp and receive any orders the Chief Commissioner may desire to give him.

Every Commissioner of Division and Deputy Commissioner of a District, when on circuit, will be met by the Inspector on the camp entering his circle, who will receive charge, from the Inspector or other Police Officer he relieves, of all prisoners under trial, Court Order Book, &c., and carry out all orders issued to him by the Commissioner or Deputy Commissioner, entering these latter in his diary for the information of the District Superintendent.

The rule for the attendance of Police Officers upon the Chief Commissioner are equally applicable to the Camp of the Governor-General or Commander-in-Chief of India, or the Governor or Commander-in-Chief of other Presidencies, when they visit the Central Provinces.

In the Punjab, all Police Inspectors or Deputy Inspectors, within whose limit of superintendence such officers may be moving, are at once to present themselves for orders and be personally responsible for the watch and ward of their camps. They will temporarily take charge of the Police on duty with the camp and add men from their own stations, if necessary, for this duty.

In the North-Western Provinces,

By C. O. 23 of 1861, the District Superintendent or, if impracticable, his assistant, (when there is one) or an Inspector, should accompany the Magistrate of the District when he goes into camp.

Magistrates occasionally to visit the Sudder Police Stations, and, in the course of their tour in the district, as many Mofussil Police Stations as they can, and inspect the station, the Police records, crime statements, &c., write their remarks in the inspection book, and send the same for the information and guidance of the District Superintendent. It will also be acceptable, at the same time, if they inform the Inspector-General of anything which he ought to know. Occasional inspection of the office of the District Superintendent by the Magistrate of the District would also be attended with beneficial result.

Subordinate Magistrates are also invited to inspect stations, but not to make remarks in the book of inspection. Should they find any matter worthy of notice, or which, in their opinion, should be brought before the District Superintendent, they are requested to submit a memorandum to the Magistrate of the District, who will forward it or not, with his remarks, to the District Superintendent, as he may deem proper.—*Police Cir.* 47 *of* 1866.

The following questions meant for the District Superintendent will not be amiss in directing the attention of District Officers to the points to be noted by them and other officers inspecting stations—(*N.-W. P. Police Cir.* 23 *of* 1870):—

INSTRUCTIONS ON INSPECTION OF POLICE STATIONS.

Points to be noted by Officers Inspecting Stations.

N. B.—In any case where a satisfactory reply cannot be given to each question, an explanation should be given, and also the name of the officer to blame.

1. Are the buildings clean and in good repair? If not, what orders have been passed by the Inspecting Officer?

2. Is there a list kept of all Government property, including Acts and books attached to the station?

Do the articles correspond with it, and are they in good order?

3. Are the men clean and neat in appearance, and what amount of drill do they know?

4. Is a list kept of all books and registers that have to be kept up, and of periodical returns which have to be submitted? Is it correct up to date? Are all other lists* and the map of the station illaqua as ordered to be kept in the station, properly kept up?

* List of Abkaree shops.
" Persons licensed to carry arms.
" Hulquas.
" Crimes triable by Depy. Magistrate.
Rules for Municipal Police or Chowkeedars.

Report on the Notice-board.

5. Is each man supplied with his proper kit and sunnud of appointment?

6. How many of the Constables can read and write, and have any of the Police Officers distinguished themselves since last inspection? If so, state names and particulars of meritorious conduct, and let each man have a copy of the extract referring to him.

7. Have all periodical returns been submitted on proper dates?

8. Is there any public money in hand? If so, state the items, and reasons for their not having been disbursed.

9. What heinous cases have occurred since last inspection? Give a brief list (Form A. annexed). State the names of the officers who investigated each, and result of such enquiry. Give a short statement, in the Form B. annexed, of the work done at the station since date of last inspection.

10. Are there any heinous cases remaining undetected since last inspection report? If so, what steps have been taken to elucidate them?

11. What are the most prevalent offences, and are the Police successful in dealing with them? What preventive measures have been adopted?

12. What is your opinion of the working of the Police as gathered from the monthly crime returns?

13. Does the officer in charge of the station inspect his outposts? How often has he done so since last inspection?

14. What property is in the malkhana? If any, how long has it been there? If detained beyond twenty-four hours, why?

15. In what state are the arms and accoutrements?

16. How many "doolies," hand-cuffs, leg-irons, and dark-lanterns are there at the station, and in what state are they?

17. Were the Chowkeedars attached to the station inspected, and with what result? Have they got their crime and character books and boards, with dates of last report inscribed?

18. Had Chowkeedars or Constables any complaint to make? If so, record what the complaints were and what orders were passed.

19. What knowledge did the Constables possess of entries in the Police Gazette and of their hulquas?

20. Does the officer in charge of station regularly instruct his men as to residence, connections, associates, and personal appearance of men entered in the registers of bad character and of escaped offenders?

21. Are the original special diaries of investigating officers duly filed?

22. Have all orders given at last inspection been carried out?

23. Registers:—

1. Daily diary.
2. Special diary.
3. Check receipt book.
4. Register of crimes.
5. Register of property stolen and recovered.
6. Charges taken (A).
7. Charges refused (B).
8. Mouzahwar register.
9. Register of proclaimed offenders and escaped convicts.
10. Register of bad characters.
10A. Register of time-expired convicts.
11. Station order book.
11A. Circular orders for guidance of Police.
11B. Orders regarding stolen property of other districts.
11C. Orders regarding absconded offenders of other districts and stations.
11D. Orders other than above.
12. Register of summonses, warrants and other processes.
13. Register of eunuchs.
14. English inspection book.

14A. Vernacular ditto.
15. Forms of recognizances under Section 125, Procedure Code.
15A. Forms of warrant of arrest under Section 102, Procedure Code.
15B. Forms of summonses under Section 118, Criminal Procedure Code.
15C. Form of search-warrant under Section 379, Criminal Procedure Code.
15D. Form of recognizance under Section 130, Criminal Procedure Code.
15E. Form of bail taken under Section 128, Criminal Procedure Code.
16. Form of kubzool-wusul in duplicate.

N. B.—Particulars regarding all these books should be stated in the inspection report, quoting the numbers of the registers or forms regarding which it was found necessary to record remarks. The others should be reported as "correct" if found to be so.

24. Report on the tendency of Police to report cases as false.
25. Give date of last inspection and name of officer making it.
26. Mortuary register properly kept up?
27. Dâk receipt and despatch books in connection with the late circular on the subject.

Strength of Station and Duties performed in the Month of

N. B.—This should be taken for the month immediately preceding the inspection.

Strength of Police at the station.
Government Police.
Municipal Police.
Number of villages and nuglas attached to station.
Number of houses and inhabitants in city.
Number and pay of chowkeedars attached to station.
Number of summonses and warrants issued to Police.
Number of summonses to witnesses in non-cognizable cases.
Number of summonses and warrants to be served by Municipal Police.
Number of ditto ditto by Government Police.
Number of cases investigated.
Number of miscellaneous duties (detail in a few words showing nature of such duties).
Number of men who went on patrol.
Number of men who went with chalans.
Total number of duties performed, average per day.
Examination of officers (details for each).
Examination of Constables (ditto).
Examination of chowkeedars (General remarks).
General remarks as to characters of officers, men, and chowkeedars.

Camps of Troops on the March.

Lower Bengal Cir. No. 10 *of* 1871.

The Governor-General directs that a body of troops be always accompanied by a superior officer of Police, and proper arrangements be made for the protection of the camp by night.

2. District Superintendents on the approach of troops must detach an officer not below a Sub-Inspector for the duty required, either from the Reserve or from Police stations on the line of march, and give intimation to the District Superintendent of the district next on the route of the date on which the troops will enter it.

3. The officer deputed should, on arriving at the camp, report himself to the Commanding Officer, and show him a copy of these rules: similarly on relief he

should ask permission before he leaves the camp. While travelling with the troops, he should be strictly enjoined to remain with the camp night and day, and to make arrangements for providing a proper guard at night, either from the Police or collecting village chowkeedars.

4. When the route of the troops lies beyond the limits of the district, the Police Officer should accompany them until relieved by the officer of the nearest Police Station on the forward line of march.

5. District Superintendents should satisfy themselves that their subordinate told off for the duty has every reasonable facility for collecting a suitable number of men as a night guard.

Police Circular, No. 15 of 1870, North-Western Provinces.

THE Magistrate of a District will invariably, when receiving the indent for supplies for a body of troops about to march through his district, notify the fact of the approaching arrival of the detachment or regiment, as the case may be, to his District Superintendent of Police, intimating to him at the same time the names of the places at which the troops will encamp on their route, and the date on which they may be expected to arrive at those places.

The District Superintendent, on receiving this notice, will at once depute an officer, with a sufficient body of Police, to meet the troops as they enter the district, and to remain with them during such time as they are in his district, or until he is relieved by a similar Police Force from the next district that the troops enter.

If the troops marching through the district are natives, it will be sufficient to depute a Native officer in command of the Police. But if Europeans, however small the body, a European officer is invariably to be sent on this duty, if any such officer is available.

The strength of the Police Guard must be regulated according to the strength of the troops marching. The District Superintendent must be guided in assigning the proper number of men for this duty by the number of other similar requisitions that may have been made to him at the time. But for a full European Regiment not less than twenty Constables should be deputed; for the wing of a regiment, half that number; for a battery of European Artillery, from eight to ten men, and so on.

For Native regiments these numbers may be proportionately reduced, and at every place in which the troops encamp for the night a sufficient number of Rural Police will be withdrawn from the neighbouring villages to supplement the Police Force in arrangements for the watch and ward of the camp.

The officer in charge of the Police will place himself for the time under the orders of the Officer Commanding the troops, and will report to him morning and evening. He will also post his watchmen and Police clear of the camp, but in such positions as to prevent any one coming within the line of any military sentries that may be out without first being challenged by the Police. If the Officer Commanding the troops should require any other arrangement to be made for the watch and ward of the camp, the Police Officer will make such arrangement, but not otherwise.

The District Superintendent should be careful always to depute on this duty officers of tact and judgment, and officers in charge of Police Stations and outposts on the line of march should be instructed to attend to any requisitions made from the Police Officer in charge with the troops.

The District Superintendent should always notify the deputation of his men to the Officer Commanding the troops by a public letter, which should be handed to the Officer Commanding by the Head Police Officer when reporting his arrival in camp: similarly, when that officer is relieved by a body of Police from another district, he will go up to the Officer Commanding, in company with his relieving officer, and report the fact of his relief before leaving the camp and marching his party home.

A printed copy of these instructions should always be attached to the District Superintendent's letter, which the Police Officer will present to the Officer Commanding the troops as the credentials for his deputation on this duty.

District Officers to arrange that the grasscutters of regiments on the march may, on arrival at encamping grounds, be directed to the best places in the neighbourhood for cutting grass.

Private property must of course be respected; but there is usually abundance of grass on the sides of roads and other public places which can be made available for the regimental grasscutters.—*Police Cir., No.* 21 *of* 1870.

In the Central Provinces. (Book Cir. 3 *of* 1867.*)*

1. District Superintendents are requested to furnish every Police Officer in charge of a guard deputed to accompany troops on a march with a copy, which it will be his duty to show to the Officer Commanding the troops immediately on joining the regiment or detachment which he is to accompany.

2. District Superintendents must take care that these are explained to the Police Officer in charge of the party before he sets out.

3. In the conclusion of his duty, the Police Officer should apply to the Officer Commanding the troops for a certificate that he has faithfully performed the duties required of him, and this certificate should be sent to the District Superintendent.

4. The Governor-General in Council is desirous to prevent, as far as possible, the occurrence of any just cause of irritation to British officers marching detachments through our own territories or those of Native States.

5. To insure this object, there should always be some one present to whom the Commanding Officer can apply for redress,—to whom he can look for prompt attention when robberies have occurred or injuries have been inflicted,—and from whom he may expect that every effort will be timely made to recover stolen property, to capture, and without delay to bring to justice offenders, and to bring to notice any neglect or misconduct on the part of subordinate local officers.

6. With this view, whenever troops are to march in British territories, they should be accompanied by a Police Officer deputed by the Magistrate of the District. The regular relief of the Police Officers as troops in march across the boundaries of districts is a point of detail, which should in future be as carefully provided for as the preparation of supplies in the several districts.

7. In Native States the Political Officers of the British Government must understand it to be one of their duties to provide that, whenever British troops are to traverse the territories of Native Princes, their Durbars are to depute intelligent and experienced officials of their own to accompany the British detachments, and to remain in attendance until the troops cross the boundary and enter other territory. The Governor-General is aware that this is frequently practised when a considerable body of troops is to traverse a Native State; but it is not sufficient thus to restrict the system to larger bodies of troops, for the occurrence of robberies and of causes of misunderstanding are more likely to occur with small than with larger masses of troops, who ordinarily have with them an experienced staff and are usually accompanied by Durbar Vakeels of rank and authority. The system must be worked out as carefully with small as with large bodies, and with especial care whenever the small detachment is composed of European troops.

1. A somewhat similar circular, but having reference chiefly to the escort of military stores, is No. 25 of 1861.

2. The Police at the stations along the highroads to afford every possible protection to all stores and baggage, both belonging to Government and to private individuals.

3. The Police to invite cartmen and travellers to halt for the night at their posts in preference to proceeding on their journey to a village where there are no Police, and should exercise a more than ordinary vigilance to guard the property of those who may so remain at their stations.

4. All Police to show civility and attention, and to afford every possible assistance to all travellers, European and Native.

5. The Police to give their aid to all applicants who seek their assistance, to procure coolies or carriage, to replace any that may become disabled on the road; but at the same time they are absolutely prohibited from seizing or pressing such carriage, and whenever they are asked to procure any, they must insist upon the hire being paid beforehand, according to the regulated tariff.

6. They must not interfere or aid in any way in procuring provisions for travellers.

7. District and Assistant District Superintendents, in their tour through their districts, should make particular inquiry whether the license now given to the Police to assist in obtaining coolies and carriage has been abused, and must visit with severe punishment every violation of these rules.

8. The Brigadier at Kamptee proposes that his Quarter-Master-General should send to the Inspector-General an intimation of every proposed despatch of military stores and the road by which they will travel; and these memoranda will be passed on to the Superintendent of the District through which they will first pass, and by him to the Superintendent of the District they will next traverse, and so on; and on receipt of these intimations, the District Superintendents will send notice to their Police stations along the road, that the Police may be prepared to afford every protection in their power.

In the Punjab.

When military camps reach an encamping ground, a circular to the following effect will at once be given direct to the Officer Commanding by the Police Officer in charge of the station :—

1. Police not to collect, but only to point out where and from whom supplies can be obtained.

2. Very desirable that the Police Officer be permitted to move about the camp to detect and eject bad characters.

3. If permitted so to move about, bad characters caught should be brought to Commanding Officer or any officer specified by him, with a view to their being seen and summarily ejected.

4. If again caught in, or lurking about, the camp, they must be at once arrested and sent to the usual Judicial Court for trial.

5. If encampment bears a bad name for thieves, &c., Police Officer should inform Commanding Officer, so that he may, if he think fit, post extra sentries. Police will patrol outside the camp at night, but not inside. Chowdhry may be had for this duty *if payment is made simultaneously with the request for them.—Cir. Memo.* 1-365 *of* 1866.

6. Police Officers above all to be sure to be civil, courteous and ready to give all possible assistance to regiments and travellers in distress.

To travellers, officers, native princes, and gentry, &c., Police should give all possible protection. When an Inspector thinks it advisable that for the time being chowkeydars should be entertained, he should, if possible, call and say so, or send his senior subordinate and attend as soon as possible. Officers and travellers again to use all courtesy and consideration to the Police.

Police to point out to District Superintendent, and he to Magistrate, all points detrimental to interests of Government connected with camping grounds.

CANALS—*See* "Irrigation."

CANTONMENTS.

BENGAL.—MILITARY CANTONMENTS.

Act No. XXII. of 1864

Recites expediency of making regulations for administration of justice and the public health in military cantonments.

I. Interprets the words "British India," "Local Government," "Section," words of "Number" and "Gender."

III.—When any person shall be invested by the Local Government, under the provisions of Section XXXVII of the Code of Criminal Procedure, with the powers of a Magistrate within the limits of any military cantonment, such person shall be styled the Cantonment Magistrate, and within the limits of such cantonment shall, subject to the control of the Magistrate of the District in which such cantonment is situate, exercise the powers of a Magistrate,* as defined in the said Code, for the purpose of disposing of all cases arising within such Cantonment which the Magistrate† of the District might dispose of, and for the commitment‡ for trial before the Court of Session of the district or place in which such cantonment is situate, of any person charged with any offence triable before the Court of Session, or for which the person charged shall appear to deserve a more severe sentence than a Magistrate is competent under the said Code of Criminal Procedure to award.

IV.—The Cantonment Magistrate shall be considered a Magistrate§ in charge of a Division of a District within the meaning and for the purposes of the Code of Criminal Procedure.

V.—When any person shall be invested by the Local Government, under the provisions of Section XXXVII. of the Code of Criminal Procedure, with the powers of a Subordinate Magistrate of the 1st or 2nd class within the limits of any military cantonment, such person shall be styled the "Assistant Cantonment Magistrate," and shall be subject to the rules laid down for Subordinate Magistrates in the said Code.

N. B.—The OFFICERS COMMANDING *at Azimgurh, Chunar, Lullutpore, Petoragurh, Goruckpore, Muttra, Allygurh, Dehra, Banda, Mooradabad, Almorah, Nynee Tal, and Landour* (No. 1894A. of 1867), are invested with power to try breaches of the rules passed by Government under Clauses 5, 6, 8, 9, 10, and 11, Section 19 of Act XXII. of 1864.

2. The power of trying breaches of the rules framed under Clause 7 of the said Section for the prevention of venereal disease, is reserved to the Magistrate of the District.

* * * * * * * * * *

XI.—The Police Force employed in any military cantonment shall be deemed to be part of the General Police Force under the Local Government in whose territories such cantonment is situate, within the meaning of Section II., Act V. of 1861 (*for the regulation of Police*), and all the provisions of the said Act shall be applicable to such force. The administration of the Police within the limits of any cantonment in which there shall be a Cantonment Magistrate shall be vested in the District Superintendent, subject to the general control and direction of the Commanding Officer of such cantonment.

XII.—The Local Government may extend Section XXXIV. of the said Act V. of 1861 to any military cantonment situate in the territories under such Government.

XIII.—The Commanding Officer of a cantonment may send any process requiring service or execution, by any means not immediately at his disposal, to the Chief Police Officer in the cantonment for service or execution through the Cantonment Police; and it shall be the duty of the said Chief Police Officer to serve or execute such process in the same manner as if it had been issued by the Cantonment Magistrate, and subject to the same rules.

XIV.—It shall be lawful for the Local Government to extend the provisions of Act XX.‖ of 1856 (*to make better provision for the appointment and maintenance of Police Chowkedars in Cities, Towns, Stations, Suburbs and Bazaars in the Presidency of Fort William in Bengal*) to any military cantonment to which a Cantonment Magistrate may be appointed, and the Cantonment Magistrate of any military cantonment to which the said Act shall be so extended may exercise all the powers vested in a Magistrate by that Act, subject only to the control of the Magistrate of the District and the Local Government. If there be no Cantonment Magistrate,

* Ss. 21, 22, C. P. C. † S. 35, C. P. C. ‡ S. 196, C. P. C. § S. 40, C. P. C.

‖ This Act has been considerably amended by Acts XXII. of 1871 and X. of 1872, and will be found under Appendix, "Municipal Chaukidari."

the Magistrate of the District shall carry out the provisions of the said Act when so extended as aforesaid.

XV.—It shall be lawful for the Local Government to order that any military cantonment to which the provisions of the said Act XX. of 1856 shall be extended be divided into any number of Cantonment divisions, and to determine the nature of the tax to be levied in each such division, according to Section X. of the said Act.

XVI.—The Local Government may prescribe rules for regulating the expenditure, for the general purposes of this Act, of any funds raised under the said Act XX. of 1856. Such funds may be expended for the purpose of carrying out any measures under any of the Rules and Regulations made under Section XVII. of this Act, in addition to, or in lieu of, the purposes described in Section XXXVI. of the said Act XX. of 1856.

XVII.—The Local Government shall have power to make Rules and Regulations not inconsistent with the provisions of this Act or of any other law in force, to provide within the limits of any military cantonment for the matters hereinafter mentioned, and from time to time to repeal or alter such Rules and Regulations. The Rules and Regulations made under this Section may be general for all military cantonments in the territories under the Local Government making the same, or special for any one or more of such cantonments, according as the Local Government shall direct.

XVIII.—A copy of every such Rule and Regulation, when so confirmed, in English and in the Vernacular language chiefly in use, shall be hung up in some conspicuous part of the office of the Cantonment Magistrate, or in such other place as the Local Government or the Commanding Officer may direct.

XIX.—The Rules and Regulations made under Section XVII. may provide—

1st.—For regulating in cases in which the land within the limits of the cantonment is the property of Government, and the occupation and use of which by private persons is only permissive, the conditions under which occupation or use shall be allowed, and under which the Government may resume possession of such land, and under which compensation shall be given to persons occupying or using the land so resumed.

2nd.—For maintaining proper registers of immoveable property within the limits of the cantonment, and for providing for the registration of transfers of such property.

3rd.—For regulating the manner in which houses within the limits of the cantonment shall be claimable for purchase or hire, when necessary, for the accommodation of Military Officers.

4th.—For regulating the management and expenditure of any funds made available by law or by the Government for the purpose of public improvements within the limits of the cantonment, or for carrying out any Rules and Regulations passed under this Section, and the appointment of the necessary servants and establishments.

5th.—For the definition and prohibition of public nuisances.

6th.—For the maintenance generally of the cantonment in proper sanitary condition; for the prevention and cure of disease; for the management and regulation of the public roads, of conservancy and drainage; for the regulation and inspection of public and private necessaries, urinals, cesspools, drains, and all places in which filth or rubbish is deposited; of slaughter-houses, public markets, burial and burning-grounds, and of all offensive or dangerous trades and occupations.

7th.—For inspecting and controlling houses of ill-fame and for preventing the spread of venereal disease.

8th.—For the supervision and regulation of public wells, tanks, springs or other sources from which water is, or may be, made available for public use.

9th.—For the execution and promotion of works of public utility and convenience.

10th.—For the registration of deaths, and for making and recording observations and facts important for the public health and interests.

11th.—For the imposition of penalties on persons convicted of the breach of any Rule or Regulation made under Section XVII., and for declaring what persons shall make the preliminary inquiry into, or take cognizance of, any breach of such Rules and Regulations, and the manner in which the investigation shall be conducted.

Provided that no penalty so imposed shall exceed a fine of fifty Rupees, or imprisonment for eight days with or without labor.

XX.—Breaches of any Rule or Regulation made under Section XVII. shall be triable by the Cantonment Magistrate when there is such an officer; but the Local Government may invest any Assistant Cantonment Magistrate, or any other person, with powers to try such breaches, and may authorize such persons to exercise such powers independently of the Cantonment Magistrate. The Magistrate of the District shall have no control over the Cantonment Magistrate or over any Assistant Cantonment Magistrate, or any other person invested with such powers as herein aforesaid.

XXIV.—Nothing in this Act, nor in any Rule or Regulation made under Section XVII. shall prevent any person from being prosecuted under any other Regulation or Act for any offence punishable under this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act. Provided that no person shall be punished twice for the same offence.

XXV.—Whenever it shall appear necessary for the protection of the health of the troops in any military cantonment, it shall be lawful for the Governor-General of India in Council to extend to any place outside the limits of such military cantonment, and in the vicinity of such cantonment, all or any of the Rules and Regulations made for such cantonment under Clause 7 of Section XIX., and to make any additional Rules and Regulations under the said clause, and to define the limits around such cantonment within which such Rules and Regulations or additional Rules and Regulations shall be in force.

XXVI.—When such Rules and Regulations, with any additional Rules or Regulations made as above, shall be extended under the last-preceding Section to any place outside the limits of such cantonment, it shall be lawful for the Governor-General of India in Council to provide in the manner described in Clause 11 of Section XIX. for the imposition of penalties for the breach of such Rules and Regulations, and for prescribing the manner in which, and the persons by whom, breaches of such Rules and Regulations shall be inquired into or be cognizable.

XXVII.—All Courts and Magistrates shall take judicial notice of all Rules and Regulations made under Section XVII. or Section XXV.

XXVIII.—Whenever in any military cantonment Rules and Regulations have been made under Section XVII., so much of any Regulation or Act as may be held to empower the Commanding Officer to make local Regulations regarding matters other than military shall cease to have any effect in such cantonment, and all local Regulations for any military cantonment which may have been made before the promulgation of the Rules and Regulations for such cantonment, made under the said Section XVII., shall cease to have any effect. Provided that nothing in this Section shall be held to interfere with any military authority vested in the said Commanding Officer under the Articles of War.

XXX.—If any person convicted of an offence under the last-preceding Section (see Sched.) shall be again convicted of an offence under that Section, any spirituous liquor, wine or intoxicating drug within such cantonment or limits, which at the time of the commission of such subsequent offence shall belong to, or be in the possession of, such person, shall, without further proof, be deemed to be in the possession of such person for the purpose of being supplied to European soldiers contrary to the provisions of this Act, and shall be liable to be seized and confiscated.

XXXIII.—In case of a conviction for any offence under Section XXX. or Section XXXI. of this Act, the Cantonment Magistrate, or other officer, may adjudge any liquor, wine, or intoxicating drug in respect of which the party shall be convicted, and any other spirituous liquor, wine, or intoxicating drug which shall be found in his possession at the time of committing the offence, and any vessel containing the same, together with anything used for the purpose of conveying, removing, or concealing the same or any part thereof, to be confiscated; and such Magistrate may order the whole or any part or parts of any fine imposed under this Act to be paid, as soon as the same shall be realized, to the person upon whose information such conviction shall take place, or to the officer who shall have apprehended the offender or seized any of the goods adjudged to be confiscated.

XXXIV.—Anything seized under Section XXXII., in respect of which any person shall be charged with an offence, may be ordered to be detained until the person in whose possession the same shall have been seized shall be convicted or acquitted of the offence charged. If the person shall be acquitted, anything so seized shall be restored; if he shall be convicted, such of the things only, if any, as shall not be adjudged by the Cantonment Magistrate or other officer to be confiscated, shall be restored; the remainder shall be dealt with as confiscated.

XXXV.—The foregoing Sections shall not apply to the sale or supply of any article for medicinal purposes, by recognized Medical Practitioners, Chemists, or Druggists.

XXXVI.—Nothing in this Act shall interfere with the jurisdiction of Courts-Martial, or of Commanding Officers of cantonments or of regiments, corps, or detachments under Act XXIX. of 1861 (*to consolidate and amend the Articles of War for the government of the Native officers and soldiers in Her Majesty's Indian Army*), or under Act V. of 1863 (*to amend Act XXIX of* 1861), or with the provisions of any Statute for punishing mutiny and desertion of officers and soldiers in the service of Her Majesty in the East Indies, and the Cantonment Magistrate shall exercise no jurisdiction in respect of such offences. Provided that when a Cantonment Magistrate or other officer, not being the Commanding Officer, shall have been vested by the Local Government with power, within the limits of any military cantonment, to dispose of cases under any Rule or Regulation made under Section XVII., it shall not be competent to the Commanding Officer to exercise the powers described in Article 84 of the said Act XXIX. of 1861, in respect of any case arising under such Rule or Regulation when such Rules and Regulations have been passed for such cantonment under Section XVII., and penalties shall have been laid down for their infringement. The said Rules and Regulations shall be held to be the Rules and Regulations mentioned in the said Article 84 of the said Act XXIX. of 1861, and so much of the said Article as declares the penalties which may be inflicted for breach of Cantonment Regulations shall cease from that time to have any effect in such cantonment.

XXXVIII.—This Act shall, save as hereinafter is provided, extend only to the Presidency of Fort William in Bengal.

XXXIX.—The provisions of this Act may be extended by order of the Governor-General of India in Council to any place under the immediate administration of the Government of India, and to any place in India, but not in British India, in which British Troops are cantoned.

XL.—The provisions of this Act may be extended by order of the Lieutenant-Governor of the Punjab to any part of the territories subject to that Government.

XLI.—The provisions of this Act may be extended by order of the Lieutenant-Governor of Bengal, or by order of the Lieutenant-Governor of the North-Western Provinces, to any part of the territories under their respective Governments not within the Presidency of Fort William in Bengal.

XLII.—Every order issued under Sections XXXIX., XL. or XLI. shall be published in the Official Gazette.

XLIII.—If in the territories not subject to the general Regulations, or in any part of India not subject to the British Government, any person be invested with the powers of a Cantonment Magistrate within the limits of any cantonment situated in any district or place in which there is no person exercising the powers of a Court of Session, the Governor-General of India in Council may direct to what authority the commitments shall be made, and by what authority the appeals from the sentences and orders passed by such Cantonment Magistrate shall be heard and determined; and such commitments and appeals shall be heard and determined by such authority in the same manner as if the commitments had been made, or the sentences or orders appealed from had been passed, by a Magistrate within the jurisdiction of a Court of Session. The Governor-General of India in Council may also direct by what authority appeals from the sentences and orders passed in cases committed by such Cantonment Magistrate shall be heard and determined; and such appeals shall be heard and determined by such last-mentioned authority in like manner as if the sentences and orders appealed from had been passed by a Court of Session.

Schedule of Offences punishable under Act XXII. of 1864.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
19	Breach of cantonment rules ...	Any person.	C., if for a second conviction; but for first offence, N. C.	S.	B.	Fine not exceeding Rs. 50, or imprisonment of either sort not more than 8 days; in default of paying fine, to imprisonment of either sort not more than 1 month; if simple, in the Civil; if rigorous, in the Criminal Jail.	Cantonment Magistrate or Assistant Magistrate, or any person authorized by Govt.	Fine levied by distress and sale of moveable property within cantonments.
29	Any person not amenable to the Articles of War within any military cantonment or prescribed limits around it, or any sutler or camp-follower knowingly bartering, selling, supplying, offering (or attempting to do so) any spirituous liquor, wine or intoxicating drug, to, or for use of, any European soldier, any European or Eurasian being camp-follower or soldier's wife, without written licence from Officer Commanding or person authorized by him to grant a licence.	"	C.	"	"	Fine not exceeding Rs. 100, or imprisonment of either description for not more than 3 months as under s. 19, or in lieu of them whipping. *N. B.*—Whipping *never* to be administered to a female.	Cantonment Magistrate or Assistant Magistrate.	Police, for second conviction under s. 29, and for all offences under s. 31, may also seize all spirits or drugs, &c., with vessels, animals, &c., and take them and offender without delay to officer having jurisdiction —s. 32.
31	Camp-follower or military pensioner, wife or widow of such, or of any soldier within cantonment limits, removing, conveying or having in possession any spirituous liquor or wine exceeding one seer (quart) without permit, as described in s. 29. Subsequent offence.*	"	"	"	"	Fine not exceeding Rs. 50 ... * Fine not exceeding Rs. 100, or imprisonment of either sort as under s. 19, not exceeding 3 calendar months.	Ditto ...	Nothing in s. 31 applies to liquor brought into a cantonment for the use of a Commissioned Officer.

RULES AND REGULATIONS TO BE OBSERVED IN ALL CANTONMENTS OF THE BENGAL PRESIDENCY.

CHAPTER I.

General Provisions.

1. UNLESS it shall be otherwise ordered, the present Rules and Regulations shall be held to be applicable to all cantonments in the Bengal Presidency; additional Special Rules to be made for any Cantonment when required.

2. Whenever the Officer Commanding the Cantonment, or the Cantonment Committee, shall be of opinion that any of the Rules and Regulations of the cantonment should be amended or rescinded, or that any new Rules and Regulations should be made, a report will be made to the Commander-in-Chief, who, if he think fit, will make such reference to the Local Government as the matter may appear to require.

CHAPTER II.

The Cantonment Committee and Cantonment Fund.

Appointment of Cantonment Committee.

1. There will be appointed in every military cantonment, in which the Commander-in-Chief shall so order, a Committee called the Cantonment Committee. The constitution of the Committee will ordinarily be as follows; but the Commander-in-Chief, with the concurrence of the Local Government, will make any alterations therein which may for any reason seem desirable:—

The Officer Commanding the Cantonment...	*President.*
The Sanitary Officer of the Cantonment ...	*Members.*
The Executive Engineer	
The Magistrate of the District	
The Cantonment Magistrate	*Member and Secretary.*

The Commander-in-Chief will appoint any other persons, not more than three in number, to be Members of the Committee. Unless it shall be otherwise specially ordered, the Cantonment Magistrate will be Secretary to the Cantonment Committee, and will keep all accounts and records.

Nature of duties of the Committee and of Commanding Officer.

2. The Cantonment Committee will be mainly a consultative body, appointed to advise and assist the Officer Commanding the cantonment in those portions of his duties which are connected with matters that affect the public health, safety, and convenience. The Officer Commanding the cantonment is responsible, so far as his authority extends, for insisting upon the due enforcement of the present Rules and Regulations.

To be entrusted with control and expenditure of Cantonment Fund.

3. Subject to the following Rules, and to such other Rules as shall be laid down by lawful authority for its guidance, the Cantonment Committee will be entrusted with the control and expenditure of the Cantonment Fund, and will determine what officers and establishments are required for the service of the cantonment, and will fix the salaries which are to be paid to such officers and establishments from the said Fund.

Distribution of executive duties among members.

4. The executive duties of the Committee shall be, as far as possible, distributed among the members, so that one member shall be especially responsible for certain duties. Any member may inspect any place, other than the interior of private houses, within the limits of the cantonment.

Position with regard to the Committee of the Officer Commanding a Division or District.

5. The Officer Commanding a Division or a District will, in his capacity of Officer Commanding the head-quarters station of the military division or district under his command, be the President of the Cantonment Committee at the head-quarters station. In the event of his leaving the head-

quarters station, the officer who assumes command of the station during his absence will become President of the Committee. The Officer Commanding a division or district may also, whenever he shall think fit, act as President of any other Cantonment Committee at any other station within his division or district during such time as he may be present therein, and while he shall so act, the Officer Commanding the station will act as a member of the Committee. It will also be the duty of the Officer Commanding the division or district to examine the records of the Proceeding of the Committees at his periodical inspections, and at such other time as he shall think fit.

Deputy Inspector-General of Hospitals and other officers to be members of all Committees.

6. The Deputy Inspector-General of Hospitals will be a member of every Cantonment Committee formed under these Rules in his division or district. The President and members of the Sanitary Commission for Bengal, the Principal Inspector-General of the Medical Department, and the Inspector-General of Hospitals, Her Majesty's British Forces, will also be *ex-officio* members of all such Committees within the Bengal Presidency.

Position with regard to the Committee of the Deputy Inspector-General of Hospitals.

7. If the Principal Medical Officer of the cantonment be the Deputy Inspector-General of Hospitals, residing at the head-quarters station of the division or district, he will, unless a separate Sanitary Officer be appointed, or it be otherwise ordered, act as Sanitary Officer and member of the Cantonment Committee. In the event of his leaving the head-quarters station, the next senior Medical Officer will act as Sanitary Officer and member of the Committee during the absence of the Deputy Inspector-General.

Changes in Committee to be published in Station Orders.

8. The names of all officers appointed members of the Cantonment Committee will be published in Station Orders, and in the event of the President or any Member of the Committee leaving the cantonment, the name of the officer appointed to act as his successor will be immediately published in similar manner.

If no Committee has been appointed, the Officer Commanding the cantonment, if duly authorized, may exercise the powers of the Cantonment Committee.

9. In any cantonment in which no Committee is appointed, the Commander-in-Chief, with the concurrence of the Local Government, may authorise the Officer Commanding the cantonment to perform all or any of the functions, and to exercise all or any of the authority given under these Rules to the Cantonment Committee.

Cantonment Fund — how formed.

10. There will be formed in every cantonment a fund called the "Cantonment Fund." This Fund will be formed from the following sources:—

1*st*.—Such portion of the proceeds of any taxes levied within the limits of the cantonment under Act XXVI of 1850, or under Act XX of 1856 (see App., Municipal Chaukidari) or other lawful authority, for municipal or local purposes, as shall be declared by lawful authority to be payable to the Cantonment Fund.

2*nd*.—Such portion of the surplus receipts from cattle pounds established under Act I of 1871, or by other lawful authority, as shall be declared by lawful authority to be payable to the Cantonment Fund.

3*rd*.—Such portion of the proceeds of fines and penalties levied within the limits of the cantonment from persons convicted of breaches of the Rules and Regulations of the cantonment, made in accordance with Section 17 of Act XXII of 1864, or of such other fine and penalties as shall be declared by lawful authority to be payable to the Cantonment Fund.

4*th*.—Any sums derived from the sale of grass, fruit, trees, wood, or other produce, growing upon the parades, practice-grounds, and all other public ground within the limits of the cantonment, not being ground set apart by order of the Commander-in-Chief for other purposes, and any sums derived from the lease of the right of grazing upon such ground.

5*th*.—Any sums derived from licenses for slaughter-houses, markets, or public necessaries, from the sale of manure, litter, refuse, rubbish, and filth, or from other

miscellaneous local sources declared by these Rules or by other lawful authority to be payable to the Cantonment Fund.

6th.—Any sums that may be granted by the Government in aid of the general conservancy of the cantonment, and any other sums that may be specially granted from the Public Revenues or from other local funds.

Purposes for which the Cantonment Fund may be expended.

11. The purposes for which the Cantonment Fund may be expended are the following:—

1st.—For the payment of Police and of the officers and establishments required for the maintenance of the cantonment in a proper sanitary condition, or for other local purposes; for ensuring the enforcement of all Rules and Regulations laid down by lawful authority regarding matters that affect the public health, safety, convenience, and decency; and for observing and recording facts of sanitary importance and interest.

2nd.—For the construction, promotion and maintenance of works of public utility and convenience, such as, works of drainage, paving, public necessaries and urinals, water-supply, planting trees, public slaughter-houses, markets, hospitals and dispensaries, and public roads, not being roads ordinarily made or maintained at the expense of the Government.

No expenditure to be incurred for other purposes.

12. Except for the purposes stated in the last preceding Rule, no expenditure shall be incurred from the Cantonment Fund without the sanction of the Commander-in-Chief and of the Local Government.

Meetings of the Committee.

13. The Cantonment Committee shall meet for the transaction of business at least once in every month, and as often as a meeting may be called by the Officer Commanding the cantonment.

Who is to preside.

14. At every meeting the Officer Commanding the Cantonment shall preside, or, in his absence, the senior Military Officer present.

Meetings to be public.

15. Every meeting of the Cantonment Committee shall be public, unless otherwise ordered for reasons which shall be recorded in the proceedings by the officer presiding at any meeting.

Quorum.

16. No business shall be transacted at a meeting unless at least three members be present.

Questions to be decided by majority.

17. Questions coming before the meeting will be determined by a majority of the votes of the members present; and, in case of equality of votes, the officer presiding shall have a casting vote.

Officer Commanding cantonment to have a veto.

18. Officer Commanding the cantonment may place his veto upon any resolution of any meeting of the Committee; but in such case his reasons shall be recorded in the proceedings, and a copy thereof shall be forthwith sent for the information of the Commander-in-Chief.

Power of Commanding Officer, in case of emergency, to act in opposition to the Committee.

19. If the Officer Commanding the cantonment consider any measure within the competence of the Cantonment Committee to be of essential importance for the public health, safety, or convenience, and a majority of the Committee refuse to agree to such measure, the Officer Commanding the cantonment may refer the matter, through the Officer Commanding the division or district, for the orders of the Commander-in-Chief, or, if he be of opinion that the matter is of such urgency that delay will be seriously prejudicial to the public interests, he may order such measure to be adopted, and may for this purpose exercise all the authority given under these Rules to the Cantonment Committee. In the event of such orders being given by the Officer Commanding the cantonment, his reasons shall be recorded on the proceedings of the Committee, and a copy thereof shall forthwith be sent for the information of the Commander-in-Chief through the Officer Commanding the division or district.

Powers of Commander-in-Chief.

20. In all references made to the Commander-in-Chief under the preceding Rules, the Commander-in-Chief will give such orders as he may think fit, or, if it appears to him necessary, will refer the matter for the orders of the Government.

21. All proceedings of the Cantonment Committee will be regularly recorded, and it will be competent to any member to place on record his dissent from any decision of the Committee.

Record of Proceedings.

22. The permanent establishments maintained in each cantonment at the cost of the Cantonment Fund will be fixed by the Cantonment Committee with the sanction of the Commander-in-Chief; and no alterations can be made in the strength of such establishments without the sanction of the Commander-in-Chief.

Permanent establishments—how fixed.

23. The books containing the proceedings and accounts of the Committee shall be open at all reasonable times to the inspection of any of the members.

Members may inspect books and accounts.

24. No new work estimated to cost more than Rs. 200 shall be undertaken at the charge of the Cantonment Fund, nor shall any temporary establishment be entertained in addition to those that have been allowed for the service of the cantonment, without the sanction of the Officer Commanding the division or district, except in case of actual emergency, when, if the Officer Commanding the cantonment concur with the Cantonment Committee in considering the matter to be one of urgent necessity, he may authorize the immediate commencement of the work or the entertainment of the establishment required. In such case an immediate report of the circumstances which constituted the emergency will be sent for the information of the Officer Commanding the division or district, who will pass such orders as he may consider fit. If the total estimated cost of such new work or temporary establishment shall exceed Rs. 500, the matter shall be reported for the orders of the Commander-in-Chief. No establishment shall be considered temporary which is required for more than three months. Nothing in these Rules is to be construed into a permission to carry out in portions any new works or any alterations, the cost of which in the aggregate will exceed the sums, the expenditure of which may be sanctioned under the present Rule.

New work costing more than Rs. 200—how to be sanctioned.

25. At the time appointed by the Local Government for the preparation of the Local Fund Budget Estimate for the year, the Cantonment Committee will cause to be prepared an estimate of the probable income of the Cantonment Fund and of the expenditure therefrom.

Annual estimates to be prepared.

26. The estimate of income and expenditure will be submitted through the Quarter-Master-General for the orders of the Commander-in-Chief, who will transmit it, with such remarks and recommendations as he may think necessary, to the Local Government, in order that it may be incorporated with the Local Fund Estimates of the Province. The Local Government will accept the recommendations of the Commander-in-Chief so far as financial considerations will admit.

And submitted to Commander-in-Chief and Local Government.

27. In passing orders on the estimate, the Local Government will state, for the information of the Commander-in-Chief, what special assignments, if any, are placed at the credit of the Cantonment Fund in addition to the ordinary permanent sources of income, either as general grants-in-aid, or as special grants for specific works or objects, from the State or from other Local Funds.

Special grants by Local Government.

28. The Cantonment Committee may enter in the annual estimate a lump sum, to be applicable during the year for miscellaneous purposes under these Rules.

Lump sum may be entered in estimate for miscellaneous purposes.

29. Except under very unusual circumstances, the sum at the disposal of the Committee for expenditure in any year is strictly limited by the amount granted by the orders passed on the review of the Budget Estimate of the year. If at any time the Cantonment Committee should consider it absolutely necessary that some additional grant should be made, a special report of the circumstances will be submitted for the orders of the Commander-in-Chief, who will, if he think fit,

Application for additional grants in cases of emergency only.

communicate with the Local Government on the subject. In cases of great emergency, a copy of the report of the Committee may be sent direct to the Local Government.

Allotments of Funds may be modified.

30. With the sanction of the Commander-in-Chief. the Cantonment Committee may modify the allotments of Funds approved in the orders passed upon the Budget Estimate; and, with the same sanction, the lump sum placed at their disposal for miscellaneous purposes may be increased by transfer from other allotments.

Power of Commander-in-Chief to sanction expenditure.

31. No sanction given by the Commander-in-Chief to expenditure from the Cantonment Fund will be subject to review by the Local Government, except on the ground of illegality or financial irregularity.

Works costing more than Rs. 200.

32. No engineering work estimated to cost more than Rs. 200 shall be undertaken without a proper design and estimate, approved by the Engineer Member of the Cantonment Committee, subject, if the Committee so desire, to a reference to the Superintending Engineer. Works of this class, estimated to cost more than Rs. 2,000, shall require the approval of the Superintending Engineer to the design and estimate.

Statement of expenditure to be submitted to Commander-in-Chief.

33. A half-yearly statement of the actual expenditure incurred from the Cantonment Fund will be submitted by the Cantonment Committee to the Quarter-Master-General, for the information of the Commander-in-Chief, on such dates and in such form and degree of detail as the Commander-in-Chief shall require.

Statements to be forwarded to Government of India.

34. The Commander-in-Chief will forward to the Government of India, in the Military Department, an Abstract Statement of the estimated income and expenditure of all the Cantonment Funds after his review of the same, with such observations as he may think fit. The Local Government will also furnish the Government of India, in the Military Department, with a copy of its final review of the Budget Estimates of this class of Local Funds.

Preparation, &c., of Accounts.

35. After the accounts of actual expenditure shall have been prepared in each Province, an abstract therefrom will be forwarded from the Local Funds Account Department to the Commander-in-Chief, by whom a copy will be sent to the Government of India, in the Military Department, with any remarks thought necessary.

Rules regarding Forms of Accounts, &c, to be laid down by Local Government.

36. The Local Government will lay down special Rules for the guidance of the Cantonment Committee on the following points:—

(1.)—As to the mode of collecting and depositing in safe custody the Cantonment Fund.

(2.)—As to the mode of withdrawing from the Public Treasury, or other place of deposit, the funds required to meet the disbursements of the Committee.

(3.)—As to the Forms in which the accounts of all receipts and expenditure shall be kept and shall be rendered to the Local Government.

(4.)—As to the system of audit of the expenditure.

Returns to be furnished.

37. The Cantonment Committee will furnish such periodical Returns and Reports as may from time to time be prescribed.

All matters of sanitary importance to be laid before the Committee.

38. It will be the duty of the Officer Commanding the cantonment, of the principal Medical Officer, and of the other members of the Committee, as well as of all other persons residing in the cantonment, to bring to the immediate notice of the Cantonment Committee every matter of importance affecting the health of the troops or of the public which may come to their notice.

Weekly Reports to be submitted by Commanding Officers of regiments to be laid before the Committee.

39. The Weekly Reports regarding matters which affect the public health, which the Commanding Officers of regiments are required to submit to the Officer Commanding the cantonment, will be regularly laid before the Committee.

Weekly Reports to be submitted by other Officers.

40. The following Officers will submit a Weekly Report to the Officer Commanding the Cantonment, to the effect that the parts of the Cantonment over which they have control, and for which they are responsible, have been inspected and are kept in a proper sanitary state, or, when necessary, they will state the defects, the removal of which is required. These Reports will be regularly laid before the Cantonment Committee:—

The Chaplains, regarding the state of the enclosures of the Church or Chapel, and of the burial-grounds.

The Executive Engineer and Barrack-Master, regarding all public establishments and works under their charge.

The Commissariat Officer, regarding the bakery, slaughter-house, cattle-yards, and other establishments under his charge.

The Cantonment Magistrate, regarding the general conservancy and sanitary administration of the Sudder Bazar and of all parts of the Cantonment, for the maintenance of which, in a proper sanitary condition, he is responsible.

Monthly Report to be furnished by Committee.

41. The Cantonment Committee will report monthly on the sanitary state of the Cantonment generally for the information of the Officer Commanding the Division or District.

Chapter III.

Offences affecting the Public Health, Safety, Convenience, and Decency, punishable under the Rules and Regulations of the Cantonment.

Penalty for breach of Rules and Regulations.

1. Any person who within the limits of the Cantonment shall commit a breach of any of the Rules and Regulations contained in this Chapter shall be liable, under Clause 11 Section 19 of Act XXII of 1864, to a fine not exceeding fifty rupees, or to imprisonment not exceeding eight days, with or without labour.

Depositing dirt in public roads, &c.

2. No person shall throw or put, or permit his servants to throw or put, any dirt, refuse, rubbish, or filth of any description in any road, street, or public place, or on any waste or unoccupied public ground, or into any sewer or drain, except in such places and in such manner, and at such times, as shall be fixed by the Cantonment Magistrate, with the approval of the Cantonment Committee.

Allowing sewage to flow on public road, &c.

3. No person shall cause or allow the water of any sink, sewer, privy, urinal, cess-pool, or drain, or any other offensive liquid matter belonging to him or being upon his premises, to run, drain, or be thrown or put upon any road, street, or public place, or into any surface-drain in any road, street, or public place.

Removal of night-soil along public roads.

4. Except within such hours and by such route as may from time to time be fixed by public notice by the Cantonment Magistrate, with the approval of the Cantonment Committee, no person shall remove any night-soil, or any other noxious or offensive matter along any road or thoroughfare within the limits of the Cantonment; and whether such hours have been fixed or not, no person shall use for any such purpose any cart, carriage, or other receptacle or vessel not having a covering proper for preventing the escape of the contents thereof, or of the stench therefrom. If, in the course of removing night-soil or other noxious or offensive matter, any such matter shall fall upon any road or thoroughfare, the person or persons who are engaged in effecting such removal shall well and carefully sweep and cleanse the place on which such matter shall have fallen, and shall effectually remove such sweepings therefrom. No person shall suffer to stand or remain, or shall place or set down, in any public place or thoroughfare, any cart, carriage, receptacle, or vessel for the removal of night-soil or any other noxious or offensive matter for any longer time than shall be necessary.

Construction of private latrines.

5. The owner of any house, building, or premises within the limits of the Cantonment to which, in the opinion of the Cantonment Committee, this Rule may properly be applied, shall cause to be constructed, within a reasonable time after due notice has been given to him by the Cantonment Magistrate, for the use of the persons residing upon the ground appertaining thereto, a latrine or latrines, according to such plans as may be prescribed or approved by the Cantonment Committee.

Removal of dirt from premises, and provision of receptacles.

6. Every owner or occupier of any house, building, or premises within the limits of the Cantonment shall cause to be removed therefrom, with such precautions and at such times as shall from time to time be ordered, all dirt, filth, refuse, rubbish, or noxious or offensive matter; and shall provide receptacles for the temporary deposit of such dirt, filth, refuse, rubbish, or matter in such manner and in such places as may be prescribed or approved by the Cantonment Magistrate, with the sanction of the Cantonment Committee.

Keeping dirt on premises.

7. No owner or occupier of any house, building, or premises within the limits of the Cantonment shall allow to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, filth, refuse, rubbish, or noxious or offensive matter in or upon the roof of any such house or building, or in any out-house, yard, or ground attached to and occupied with such house, building, or premises; or shall suffer such receptacle to be in a filthy or noxious state; or shall neglect to employ proper means to remove the filth therefrom, and to cleanse and purify the same.

Filthy premises, &c.

8. No owner or occupier of any house, building, premises, or land within the limits of the Cantonment, whether tenantable or otherwise, or of any private drain, privy, or cess-pool, shall suffer the same or any part thereof to be in a filthy or unwholesome state, or overgrown with rank and objectionable vegetation, or shall suffer any offensive smell to proceed from the same; and every such owner or occupier shall cleanse, white-wash, or purify the same, as the case may require, when called upon to do so by the Cantonment Magistrate.

Privies to be shut out from public view.

9. The owner or occupier of any house, building, or land, having a privy on his premises, shall have such privy shut out by a sufficient roof, wall, or fence from the view of persons passing by or residing in the neighbourhood; and, except with the permission of the Cantonment Magistrate, given with the approval of the Cantonment Committee, when no nuisance will be caused thereby, no owner or occupier shall keep any privy with a door or trap-door opening on to any street.

Houses unfit for human habitation.

10. If, in consequence of the want of proper means of drainage or ventilation or privy accommodation, or other sufficient reason, any house, building, or premises shall be declared by the Cantonment Magistrate, with the sanction of the Cantonment Committee, unfit for human habitation, and he shall prohibit its use for such purpose, no owner or occupier of such house, building, or premises shall use or suffer the same to be used for such purposes until, in the opinion of the Cantonment Committee, the causes rendering it unfit for human habitation have been removed.

Spreading infection of any disease.

11. No person shall do, within the limits of the Cantonment, any act which he knows or has reason to believe to be likely to spread the infection of any disease. This rule shall not apply to persons performing or causing to be performed the operation of vaccination.

Cultivation of prohibited crops.

12. No person shall cultivate within the limits of the Cantonment any crop which is prohibited by the Cantonment Committee, or by the Officer Commanding the Cantonment, on sanitary or other grounds.

Trimming hedges and trees, and destroying trees.

13. Every owner or occupier of any ground within the limits of the Cantonment shall trim or prune the hedges and trees thereon in such manner as the Cantonment Committee may from time

to time prescribe; and no person shall cut down or destroy any trees of mature growth, whether on private premises or otherwise, without the sanction of the Cantonment Committee.

Keeping swine.

14. No person shall keep any swine within the limits of the Cantonment, except with the permission, signified in writing through the Cantonment Magistrate, of the Cantonment Committee, and under such restrictions as the Committee shall think fit to impose.

Keeping animals so as to be a nuisance.

15. No person shall keep any animals so as to be a nuisance or injurious to health, or in any place in which, in the opinion of the Cantonment Committee, such animals cannot be kept without danger to the public health or convenience.

Keeping unlicensed public latrine.

16. No person shall keep any latrine or urinal for public use within the limits of the Cantonment unless he shall have received permission in writing from the Cantonment Committee, through the Cantonment Magistrate, nor unless he shall observe all rules laid down regarding the construction and management of public latrines and urinals.

Performing offices of nature in places other than those appointed.

17. When, in the opinion of the Cantonment Committee, a sufficient number of latrines and urinals has been provided for the use of the inhabitants of the Cantonment, and due notice of the intention to enforce this rule has been given by the Cantonment Magistrate, no person shall perform the offices of nature in any other places within the limits of the Cantonment than such as may be appointed, whether on public or private ground.

Committing nuisance on public ground.

18. No person shall commit a nuisance by easing himself in or by the side of or near to any public road or thoroughfare or place, or by indecently exposing his person.

Bathing in prohibited places.

19. No person shall bathe in any public place within the limits of the Cantonment, the use of which for such purpose has been prohibited by the Cantonment Committee, or at times at which bathing in such place has been prohibited by the said Committee.

Bathing in place set apart for other sex.

20. No person of one sex shall bathe in any public bathing-place within the limits of the Cantonment, if such place has been set aside by the Cantonment Committee, for the use of persons of the other sex.

Diseased persons not to bathe in public bathing-places.

21. No person suffering from any contagious disease shall bathe in any public bathing-place within the limits of the Cantonment.

Defiling the water used for public purposes.

22. No person shall construct or keep any latrine, urinal, or place for the deposit of filth or refuse in the vicinity of any river, spring, tank, reservoir, well, or other source from which water is derived for public use within the limits of the Cantonment, or shall do any act which shall corrupt or foul such water, so as to render it less fit for the purpose for which it is ordinarily used.

Washing animals, clothing, &c., in prohibited places.

23. No person shall wash or cleanse, or cause to be washed or cleansed, in any public road or thoroughfare, or in, or upon or by the side of any river, spring, tank, reservoir, well, or other source from which water is derived for public use within the limits of the Cantonment, any animal or any wool, cloth or wearing apparel, or any utensil for cooking or other purposes, or leather, or skins of any animals, or other foul or offensive thing, in any places, the use of which for such purposes shall be prohibited by the Cantonment Magistrate, with the approval of the Cantonment Committee.

Killing animals, except at public slaughter-house.

24. No person shall kill, within the limits of the Cantonment, any animal for public sale except at the public slaughter-house, or at such other place as may be allowed by the Cantonment Magistrate with the sanction of the Cantonment Committee.

Allowing slaughter-houses or markets to be in a filthy state.

25. No owner or occupier or farmer of any place used as a slaughter-house or market within the limits of the Cantonment shall keep or allow the same to be kept in a filthy or unclean state, or suffer any offensive smell to arise therefrom, or shall neglect to carry out any of the rules laid down for the management of slaughter-houses or markets.

Slaughtering diseased animals.

26. No owner or occupier of any place used as a slaughter-house within the limits of the Cantonment shall slaughter or suffer to be slaughtered therein any diseased or unsound animal; and every owner or occupier of such place, in case of any diseased or unsound animal being brought thereto, shall forthwith give information thereof to the Cantonment Magistrate.

Allowing nuisance in market.

27. No owner, occupier, or farmer of any market within the limits of the Cantonment shall knowingly allow the commission of any nuisance within such market.

Markets to be provided with proper places of retirement.

28. Every owner, occupier, or farmer of any market to which, in the opinion of the Cantonment Committee, this rule ought to be made applicable, shall, within a reasonable time, to be fixed by the Cantonment Magistrate, after he shall have received notice to do so, provide such places of retirement for the purposes of nature as in the opinion of the said Committee may be necessary for the cleanliness and health of the said market.

Allowing exposure in market of unwholesome articles of food.

29. No owner, occupier, or farmer of any market, shop, or stall within the limits of the Cantonment shall permit to be exposed for sale, or admit, or permit to remain therein, any article intended for food or drink for man, which is noxious or unfit for use as food or drink for man, and he shall forthwith cause any such article to be removed.

Sale of unwholesome food or drink.

30. No person shall knowingly sell as food or drink for man, or offer or expose for such sale, or keep in his possession for the purpose of such sale, any article which is noxious or unfit for use as food or drink for man.

Adulterating food or drink.

31. No person shall adulterate any article of food or drink so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink.

Selling pork.

32. No person within the limits of the Cantonment shall sell any pork except under such conditions as may be prescribed by the Cantonment Committee.

Burying or burning corpses in prohibited places.

33. No person shall bury, or cause to be buried, or shall burn, or cause to be burned, any corpse in any place within the limits of the Cantonment if the use of such place as a burial or burning ground has been prohibited by lawful authority.

Depth of graves.

34. No person shall bury, or cause to be buried, any corpse in any burial ground within the limits of the Cantonment in a grave not constructed of masonry which shall be less than six feet deep, or in a grave constructed of masonry which shall be less than four feet deep.

Distance between graves.

35. No person shall make or cause to be made a grave in any such burial ground at a less clear distance than three feet from any other existing grave.

Graves to be made only in prescribed lines or situations.

36. No person shall make or cause to be made a grave in any such burial ground in any other lines or situations than those which may be marked out by competent authority for that purpose.

Corpses to be reduced to ashes.

37. No person, when burning or causing to be burnt any corpse in any burning ground within the limits of the Cantonment, shall permit the same or any part thereof to remain without being completely reduced to ashes, or to be removed until the same be so reduced.

38. Every person who shall bring or convey, or cause to be brought or conveyed, any corpse to any such burning ground, shall burn or cause the same to be burnt within four hours after its arrival at the said burning ground

Corpses to be burned within four hours after arrival at burning ground.

39. No person shall throw any corpse into any river within the limits of the Cantonment when such practice shall have been declared by the Cantonment Magistrate, with the approval of the Magistrate of the District, to be a public nuisance.

Throwing corpses into rivers.

40. No person shall use any place within the limits of the Cantonment for any of the following purposes, if such use of such place has been declared by the Cantonment Magistrate, with the sanction of the Cantonment Sanitary Commission, to be a nuisance, and has been prohibited as such, namely,—as a butcher's shop, or for melting tallow, or for boiling offal or blood, or for making soap, oil-boiling, dyeing, or as a tannery, brick-pottery, or lime-kiln, or for any manufactory or place of business from which offensive or unwholesome smells arise, or as a yard or depôt for hay, straw, wood, or coal.

Offensive or obnoxious trades.

41. No person shall quarry stone or kunkur, or dig up bricks, or cut wood or grass on any public ground, except in places which may be set apart for such purposes by the Contonment Committee.

Quarrying stone and cutting wood or grass on public ground.

42. No person shall deposit any building materials, or make a hole or excavation in any road, thoroughfare, or public place, without the permission in writing of the Cantonment Magistrate, given with the approval of the Contonment Committee; and when such permission is granted to any person, he shall at his own expense, whenever the Cantonment Magistrate may so direct, cause such materials, or such hole or excavation, to be sufficiently fenced and enclosed, until the materials are removed, or the hole or excavation is filled up, or otherwise made secure, and shall cause the same to be sufficiently lighted during the night.

Depositing building materials or making excavations in public roads.

43. No person shall make any tank, hole, or excavation in any private or public ground of a character which appears to the Cantonment Committee to be objectionable on sanitary or other grounds.

Excavations, &c., in private or public ground.

44. The owner of every building, tank, well, hole, or other place within the limits of the Cantonment, the repair, protection, or enclosure of which is necessary for the prevention of danger to the public, shall cause the same to be repaired, protected, or enclosed so as to prevent danger therefrom.

Dangerous places to be repaired or enclosed.

45. No person shall make or suffer to remain any external roof or wall of any hut or other buildings of grass, leaves, mats, or other such inflammable materials, in any place within the limits of the Cantonment in which the use of such materials for such purposes shall have been prohibited by the Officer Commanding the Contonment, or by the Cantonment Magistrate, with the approval of the Cantonment Committee.

Making roofs or external walls of inflammable materials.

46. No person shall build any wall, or erect or set up any fence, rail, posts, or cause any other obstruction, encroachment, or injury in any public road or thoroughfare, or in or over any drain, sewer, or aqueduct.

Causing obstruction by building, &c., in public road.

47. No person shall stack or collect dry grass, straw, or other inflammable materials, or place mats, thatched huts, or cooking places within one hundred yards of any barrack or stable, or other public building having a thatched roof, or in any other place in which the collection or placing of inflammable materials or buildings shall be prohibited by the Officer Commanding the Cantonment, or by the Cantonment Magistrate, with the approval of the Cantonment Committee.

Inflammable materials, &c., near public buildings.

48. No person shall displace, take up, or make any alteration in the pavement or roadway, or fences or posts, of any public road or thoroughfare without the consent in writing of the Cantonment Magistrate, given with the approval of the Cantonment Committee.

Displacing pavement or public road.

Repair of boundaries.

49. Every person shall keep in proper repair the boundary walls, fences, or other enclosures of his estate or premises.

Re-building houses and huts.

50. Every person intending to build or re-build any house or hut within the limits of the Cantonment shall give previous notice in writing to the Cantonment Magistrate, and shall obey all Rules and Regulations which may be laid down by the Cantonment Committee with respect to the sufficiency of the space to be left about such buildings or huts to secure a free circulation of air, or with respect to their ventilation or drainage.

Erecting buildings in objectionable situations.

51. No person shall make any new, permanent, or temporary building, hut, shed, enclosure, awning or chubootra in any situation in which such building or other construction shall be declared by the Cantonment Magistrate, with the sanction of the Cantonment Committee, to be objectionable on sanitary grounds, or on account of causing encroachment or obstruction to a public thoroughfare.

Rash or negligent driving or riding.

52. No person shall drive or ride any animal, or drive any vehicle, within the limits of the Cantonment in a manner so rash or negligent as to indicate a want of due regard for the safety of others; or shall drive except upon the proper side of the road in meeting and passing other vehicles.

Driving vehicles without sufficient light.

53. No person shall drive within the limits of the Cantonment any vehicle at any time between three quarters of an hour after sun-set and one hour before sun-rise without a sufficient light, except when in the opinion of the Cantonment Magistrate there may be sufficient moon-light to render such light unnecessary.

Training animals.

54. No person shall train, or break, or lead out for exercise any animal within the limits of the Cantonment, except in such places and at such times as may be allowed by the Officer Commanding the Cantonment.

Taking elephants, &c., along public roads.

55. No person shall take elephants, camels, or loaded carts along any public road within the limits of the Cantonment during such times as the use of such road for such purpose shall have been prohibited by the Officer Commanding the Cantonment.

Suffering ferocious dogs to be at large, and keeping dangerous animals.

56. No person shall suffer to be at large within the limits of the Cantonment any ferocious dog without a muzzle; and no person shall keep any dangerous animals, such as tigers, bears, &c., unless securely caged.

Picketing animals and collecting carts, &c.

57. No person shall picket animals or collect carts on any public ground, or shall use such ground as a halting-place for vehicles or cattle of any description, unless the use thereof for such purpose shall be prescribed or permitted by the Officer Commanding the Cantonment.

Causing obstructions by vehicles or animals in public road.

58. No person shall cause any obstruction in any thoroughfare by causing or permitting any vehicle or animal to remain therein longer than is required for loading or unloading, or for taking up or setting down passengers; or shall leave any vehicle or animal in such a manner as to cause inconvenience or damage to the public.

Exposing articles for sale on public road.

59. No person shall expose any articles for sale upon any stall, booth, or otherwise, so as to cause obstruction in any thoroughfare.

Beating drums or tom-toms.

60. No person shall beat a drum or tom-tom, or blow or sound any instrument, at any time or in any place which shall be prohibited by the Officer Commanding the Cantonment, or by the Cantonment Magistrate.

Discharging firearms, fireworks, &c.

61. No person shall discharge any firearms, or air gun, or fireworks, or send up any fire-balloon, or light any bonfire in or near any public road or thoroughfare, except with the permission of the Officer Commanding the Cantonment.

62. No person shall destroy, injure, or disturb any signboard or sign post or any lamp-post, lamp-bracket, or lamp, in any public road or thoroughfare, or extinguish any light therein without due authority.

Destroying lamp-posts, &c.

63. No person in any public road, thoroughfare, or place shall beg or apply for alms, or expose or exhibit any sores, wounds, bodily ailment, or deformity, with the object of exciting charity or of obtaining alms, or shall be drunk or riotous.

Begging, exposing deformities, or being drunk or riotous.

64. No person shall cruelly beat, abuse, or torture any animal.

Cruelty to animals.

65. No person shall disobey any rules made by lawful authority for regulating the conduct of assemblies and processions in the public roads or thoroughfares, or with regard to the use of music in the streets.

Processions and music in the streets.

66. No person being the keeper of any house or place of public resort or entertainment shall knowingly permit drunkenness or other disorderly behaviour in such house or place, or shall suffer any gaming therein, or shall permit prostitutes or persons of notoriously bad character to meet or remain therein.

Permitting disorderly behaviour in places of public resort.

67. No person shall keep or use, or knowingly permit to be kept or used, any place as a common gaming-house, or shall in any manner assist in conducting the business of any place so used, or shall game or be present for the purpose of gaming in any such place, or shall game in any public street, place, or thoroughfare

Public gaming.

68. Every owner of any house, building, or premises, or other immoveable property within the limits of the Cantonment, not residing within the Cantonment or in its immediate vicinity, shall, within one month after these Rules have been declared to be in force, or within such time as may be specially ordered by the Cantonment Magistrate, appoint a duly authorized agent, resident within the Cantonment or in its immediate vicinity, who shall be answerable for the observance of all the present Rules and Regulations which refer to the owners of houses or other property as aforesaid.

Appointing agents.

CHAPTER IV.

Provisions for the enforcement of the Rules and Regulations of the Cantonment.

1. It will be the duty of the Officer Commanding the Cantonment, of the Cantonment Committee, and of the Cantonment Magistrate, to take all lawful measures for causing the enforcement of the Rules and Regulations contained in the preceding Section.

Officer Commanding Cantonment, Cantonment Committee, and Cantonment Magistrate, to see to the enforcement of Rules and Regulations.

2. Except when it shall be otherwise provided, the Cantonment Magistrate will be responsible for the actual execution, in the manner provided by law, of all the Rules and Regulations laid down for ensuring the maintenance of the Cantonment in proper sanitary condition, and for the prevention of nuisances.

Actual execution of Rules and Regulations to be the duty of the Cantonment Magistrate.

3. All of the present Rules which refer to the duties and responsibilities of the Cantonment Magistrate will be applicable, unless it be otherwise ordered by the Local Government, to any person invested, under Section 20 of Act XXII of 1864, with powers to try breaches of the Rules and Regulations of the Cantonment.

Or of other Officer invested with powers under Section 20 of Act XXII of 1864.

4. The establishment maintained in each Cantonment under the Cantonment Magistrate for the General Conservancy and Sanitary Administration will vary in strength according to circumstances: it will ordinarily consist of one or more Conservancy Sergeants or Inspectors of Nuisances, with the necessary Sanitary Police and other subordinates.

General Conservancy Establishment—what to consist of, and how fixed.

Establishment to be paid from Cantonment Fund.

5. The cost of the General Conservancy Establishment will be defrayed from the Cantonment Fund.

General executive management rests with the Cantonment Magistrate.

6. Except when it shall be otherwise provided, the Cantonment Magistrate will be the executive head of the establishments entertained at the charge of the Cantonment Fund, and the management of the General Conservancy and Executive Sanitary Administration of the Cantonment will rest with him, subject to the general control of the Officer Commanding the Cantonment and of the Cantonment Committee.

Duties of the General Conservancy Establishment.

7. The duties of the General Conservancy Establishment consist in,—the carrying into effect all arrangements connected with the Conservancy of the bazaars and of every part of the Cantonment, the conservancy of which is not provided for by means of regimental or other special establishments; the removal to the places set apart for the purpose of all filth and rubbish from the public roads and streets, from public latrines, slaughter-houses, and other places, and from receptacles provided for filth and rubbish from public or private premises; and generally the execution of all the Rules and Regulations laid down by lawful authority for the protection of the public health.

General duties of Cantonment Magistrate.

8. It will be the duty of the Cantonment Magistrate personally to inspect all parts of the Cantonment at least once in every month, especially those parts of which the sanitary supervision is important; and to require his subordinates frequently to do the same; to enforce strictly in every part of the Cantonment the observance of all Sanitary Rules and Regulations that have been laid down; to carry into effect all necessary measures within his own authority; and to make to the Officer Commanding the Cantonment, and the Cantonment Committee, an immediate report of every case in which the orders of superior authority may be required.

Establishments to be appointed, &c., by Cantonment Magistrate.

9. Except when otherwise provided, all servants belonging to the General Conservancy Establishment of the Cantonment will be entertained, suspended, or dismissed under the orders of the Cantonment Magistrate alone.

Use of Commissariat cattle for conservancy purposes.

10. The use of Commissariat cattle, if any are available at the station, will be allowed for any conservancy purposes on which the Executive Commissariat Officer may consider their employment unobjectionable. The expenses of tending and feeding the cattle when thus employed will be chargeable to the Barrack Department or to the Cantonment Fund, as the case may be.

Provision to be made for daily cleansing of streets, &c.

11. The Cantonment Magistrate shall provide, in such manner as may be approved by the Cantonment Committee, for the daily surface cleansing of all streets, roads, and public places of every description within the limits of the Cantonment; for the daily collection and removal of all filth, refuse, and rubbish of every description; for preventing the deposit thereof in any places not specially assigned for the purpose; and for regulating the times and manner of such collection, removal, and deposit.

Receptacles for dirt, &c., to be provided.

12. Places or fixed or moveable receptacles will be provided in such situations as the Cantonment Magistrate, with the approval of the Cantonment Committee, may appoint, in which all filth, refuse, and rubbish of every description from public or private premises, houses, or buildings is to be periodically removed, and in which all cattle, carts, and implements required for such removal and for other purposes of conservancy shall be kept.

Failure of owner of premises to construct latrines and receptacles.

13. If the owner of any house, building, or premises shall fail to cause to be constructed a latrine or latrines and to provide receptacles for the temporary deposit of dirt, filth, and refuse in the manner prescribed by these Rules, the Cantonment Magistrate may cause such latrines or receptacles to be constructed or provided at the expense of such owner, and may recover such expenses by distress and sale of his personal property.

14. All filth, rubbish, filter, and manure which shall be removed at the expense of the Cantonment Fund shall be held to be public property; and any sums that may be realized therefrom shall be credited to the Cantonment Fund.

Manure, &c., removed at expense of Cantonment Fund, to be considered public property.

15. The Cantonment Committee shall take such measures as, with the approval of the Local Government, it may consider desirable for the encouragement of vaccination among the inhabitants of the Cantonment.

Encouragement of vaccination.

16. It will be the duty of all Medical Officers, and of all persons residing within the Cantonment, to make known without delay to the Cantonment Magistrate, for the information of the Cantonment Committee, the appearance of any epidemic or contagious disease which may be dangerous to the public health.

Appearance of epidemic or contagious disease.

17. No orders shall be given in the Cantonment for any general destruction of trees on the ground of any sanitary advantages which it is supposed will follow therefrom, without the approval of the Commander-in-Chief. But this rule will not prevent the trimming, to a moderate and reasonable extent, of trees and hedges, or the removal of particular trees or portions of trees when this is considered necessary by the Cantonment Committee.

No general destruction of trees to be allowed.

18. The Cantonment Committee shall cause a sufficient number of public latrines and urinals to be constructed for the use of the Native troops, Camp-followers, and inhabitants of the Cantonment, according to such plans as may be approved by the Local Government; and shall take the necessary measures for ensuring the maintenance at all times of such places in a proper state of cleanliness. Unless for special reasons, no payment shall be demanded from any person making use of a public latrine or urinal.

Public latrines and urinals to be provided.

19. The Cantonment Magistrate, with the approval of the Cantonment Committee, may grant, under any conditions which the Committee prescribe, a license to any person to construct a latrine or urinal for public use within the limits of the Cantonment, subject to the rules laid down in the last preceding paragraph.

Licenses to construct public latrines, &c.

20. The Cantonment Magistrate, with the approval of the Cantonment Committee, may set apart any place of the bank of any river, or any tanks, reservoirs, or wells within the limits of the Cantonment, not being private property, for the purpose of being used for the supply of drinking-water, or for the inhabitants to bathe in, or for washing animals or clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants; and the Committee may make rules for regulating all matters connected with the use of water for such purposes, and for regulating the time and places of bathing for persons of each sex, making due allowance for the habits and customs of the country.

Places may be set apart for supply of drinking water, for bathing, &c.

21. The Cantonment Committee shall, whenever it appear necessary, cause to be constructed, in accordance with such plans as may be approved by the Local Government, slaughter-houses and markets for the use of the inhabitants of the Cantonment; or may grant, under any conditions which the said Committee may prescribe, a license to any person to construct such slaughter-houses and markets, and may prohibit the slaughter of any animals for public sale in any places in which, in the opinion of the said Committee, such slaughter is objectionable; and shall take all necessary measures and lay down all necessary rules for maintaining at all times all slaughter-houses and markets in a proper state of cleanliness.

Construction of public slaughter-houses and markets.

22. The Cantonment Magistrate, and any Officers duly empowered by him, may, at all reasonable times, with or without assistants, enter into and inspect any market, building, shop, stall, or place used for the sale of food or drink for man, or as a slaughter-house, and may examine any food or drink or any animal which may be therein; and in case any food or

Inspection and seizure of unwholesome food and drink.

drink or animal appear to be intended for the food of man and to be unfit for such food may seize the same; and if it appear to the Cantonment Magistrate, upon sufficient evidence, that such food or drink or animal is unfit for the food of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food. Such arrangement shall be made by the Cantonment Magistrate and by the Cantonment Committee as will ensure a constant and vigilant inspection of all food and drink sold or offered for sale within the limits of the Cantonment.

Burial and burning grounds.

23. The Cantonment Magistrate, with the sanction of the Cantonment Committee, and with the approval of the Local Government, but not otherwise, may prohibit the use of any place within the limits of the Cantonment as a burial or burning ground, or with such sanction and approval, may provide fitting places to be used for such purposes.

Unwholesome tanks, excavations, &c., to be filled up.

24. If it appear to the Cantonment Committee that any private tank or hole, or excavation, or low marshy ground, or any waste or stagnant water, being within any private enclosure within the limits of the Cantonment, is injurious to health or offensive to the neighbourhood, the Cantonment Magistrate may require by notice in writing the owner of the said premises to cleanse or fill up such tank or hole, or excavation, or to drain off and remove such stagnant water; and if the owner fail to comply with the requisition within such time as shall be specified in the said notice, the Cantonment Magistrate may cause the necessary work to be executed at the expense of the person upon whom the notice was served, and may realize such expenses by distress and sale of the personal property of the person aforesaid. Provided that if the work required be so extensive that, in the opinion of the Cantonment Committee, it is unreasonable to throw the whole expense upon the owner or occupier, a portion or the whole of the expense may be defrayed from the Cantonment Fund.

Drain-bridges to be made.

25. When paths or roads specially leading to any private estate or premises shall cross any line of drainage, the Cantonment Magistrate, with the sanction of the Cantonment Committee, may call upon the owner of such estate or premises to provide, within a reasonable time, proper drain-bridges, on designs approved by the Executive Engineer; and if the person to whom notice is so given fail to comply therewith, within such time as shall be specified in the said notice, the Cantonment Magistrate may, subject to the proviso in the last preceding paragraph, cause such drain-bridges to be constructed at the expense of the person upon whom the notice was served, and may realize such expenses by distress and sale of the personal property of the person aforesaid.

Height of boundary walls and fences to be regulated.

26. The Officer Commanding the Cantonment, or, with the sanction of the Cantonment Committee, the Cantonment Magistrate, may order that the boundary walls, hedges, or fences of estates and premises in any part of the Cantonment shall not exceed a certain specified height; and if the owner or occupier of such estate or premises neglect, after due notice has been given him, to carry out such order, the Cantonment Magistrate may order the necessary work to be performed at the expense of such owner or occupier, and may realize such expenses by distress and sale of his personal property.

Buildings may be set back.

27. When any building projecting beyond the regular limit of a public street has been taken down for repair, the Cantonment Magistrate, with the sanction of the Cantonment Committee, may order such building to be set back, provided that due compensation be made to the owner.

Doors to open inwards.

28. In any bazaar or public street within the limits of the Cantonment to which, in the opinion of the Cantonment Committee, this rule can properly be made applicable, the Cantonment Magistrate may order that all gates, doors, windows, or shutters on the ground-floors of any buildings shall be made so as not to open outwards, excepting where, in the opinion of the Cantonment Magistrate, no obstruction shall be caused thereby; he may also order the removal or alteration of any roof-spout which he may consider to cause obstruction or annoyance to passers-by or otherwise, if such obstruction or

annoyance shall be declared to exist: and if the owner of the premises shall fail to cause the required alterations to be made within a reasonable time after notice has been given to him to do so, the Cantonment Magistrate may cause such obstruction or annoyance to be removed, or may cause the required alteration to be made at the expense of such owner, and may realize such expenses by distress and sale of his personal property.

Projections and obstructions to be removed.

29. The Cantonment Magistrate, with the sanction of the Cantonment Committee, may give notice in writing to the owner or occupier of any house or building to remove or alter within a reasonable time, to be stated in the notice, any projection, encroachment, or obstruction which has been made in front of any building, if the same juts into, overhangs, or in any way encroaches upon, or is an obstruction to, safe and convenient passage along any public street, or projects over any uncovered drain or sewer; or to repair any house, building, or wall, or any thing affixed thereto, in any public street or thoroughfare, which is in a ruinous state or likely to fall, or in any way dangerous to the public or to passers-by. If the owner shall fail to comply with such injunction, the Cantonment Magistrate may cause the necessary work to be done at the expense of the person upon whom the notice was issued, and may realize such expenses by distress and sale of his personal property.

Untenanted buildings to be secured or enclosed.

30. If any building or land, by reason of abandonment or of disputed ownership, or other cause, shall remain untenanted, and thereby become a resort of idle and disorderly persons, or otherwise become a nuisance, the Cantonment Magistrate, with the sanction of the Cantonment Committee, may cause notice in writing to be given to the owner or to the person claiming to be the owner, if he be known, requiring him within a reasonable time, to be stated in the notice, to secure or enclose the same; and if such notice shall not be complied with, the Cantonment Magistrate may cause the necessary work to be done, and the expenses shall be recoverable from the owner, or from the person upon whom the notice was served, by distress and sale of his personal property.

Ruined buildings to be removed.

31. The Cantonment Magistrate, with the sanction of the Cantonment Committee, may give notice in writing to the owner of any ruined house or other ruined building situate within the limits of the Cantonment, and which in the opinion of the said Committee is objectionable upon sanitary grounds, or as causing obstruction or inconvenience to the public, to repair or remove the same within a reasonable time, to be fixed in such notice. In the event of such owner neglecting or refusing to comply with such injunction, the Cantonment Magistrate may take possession of the said buildings, and may cause them to be removed, and the ground to be cleared. In such case the owner shall be entitled to receive compensation for the value of the property removed, according to the law and the rules in force regarding compensation for land and property taken possession of for public purposes, after deducting the expenses incurred in the removal of the buildings and in clearing the ground.

Killing dogs.

32. The Cantonment Magistrate may, by order in writing to be affixed in such public place as he shall think fit, appoint from time to time certain periods within which any dogs found straying in the public roads, unless securely muzzled, or in any places beyond the enclosures of the houses of the owners of such dogs, may be killed.

Regulation of processions and music in streets.

33. The Cantonment Magistrate may, as occasion requires, and subject to the orders of the Officer Commanding the Cantonment, regulate the conduct of all assemblies and processions on the public roads or thoroughfares within the limits of the Cantonment, and may prescribe the routes by which, and the times at which, such processions may pass, and may regulate the use of music in such roads and thoroughfares.

Police may arrest without warrant for breaches of certain Rules.

34. Any Police Officer may take into custody, without a warrant, any person who within his view commits a breach of any of the Rules numbered as follows in Chapter III, namely,—Rules 2, 3, 4, 11, 17, 18, 19, 20, 21, 22, 23, 24, 26, 30, 31, 32, 41, 42, 48, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 67.

35. The procedure prescribed by the Code of Criminal Procedure shall be followed, so far as it can be, in all enquiries and trials for breaches of the Rules and Regulations of the Cantonment made under Section 17 of Act XXII of 1864, excepting in respect of those matters for which special rules of procedure are laid down by the said Act XXII of 1864. There shall be no appeal from any order or judgment passed by a Cantonment Magistrate under the said Rules and Regulations. If any persons be invested by the Local Government, under the provisions of Section 5 of Act XXII of 1864, with the powers of an Assistant Cantonment Magistrate, the Local Government may direct by what authority appeals from the orders and judgments passed under the said Rules and Regulations by such Assistant Cantonment Magistrate shall be heard and determined. The provisions of Section 434 (*now s.* 295) of the Code of Criminal Procedure shall be applicable to all orders or judgments passed by any Officer under the said Rules and Regulations.

Procedure to be followed in enquiries and trials for breaches of Rules, &c.

36. In any case arising under these Rules in which the sanction of the Cantonment Committee is declared necessary to any proceeding by the Cantonment Magistrate, in which such Magistrate shall consider that immediate measures are necessary to be taken to prevent imminent danger or injury of a serious kind to the public, it shall be lawful for him, pending the determination of the Cantonment Committee, to issue such injunction and order as shall be required to obviate or prevent such danger or injury; and in default of the person to whom such injunction or order is issued forthwith taking all necessary measures ordered to be taken, the Cantonment Magistrate may himself use or cause to be used such means as may be necessary to obviate such danger or to prevent such injury; and no suit or action shall be entertained in respect of anything necessarily or reasonably done for that purpose.

Issue and enforcement of injunction.

No. 645, *dated* 15*th June* 1869.

The Right Hon'ble the Governor-General in Council is pleased to direct that the following clause be added to the Cantonment Regulations drawn up under Act XXII of 1864:—

"The head of any house or family in which a death may occur, shall, within 24 hours, report, or cause to be reported, to the Cantonment Magistrate, or in his absence, to the Officer Commanding the Station, the fact of such death, and also the cause to which death is believed to have been due."

CANTONMENT—*Sale of Spirituous Liquors.*

See Appendix, "Spirituous Liquors."

CATTLE-LIFTING.

In those districts where cattle, theft prevails, the District Superintendent should, in communication with the Deputy Commissioners, endeavor to persuade the owners to brand their cattle with some private mark. When done, it should be conspicuous, as it is difficult, if not impossible, to obliterate a good brand—*Central Provinces Circular* 39 *of* 1863.

CATTLE-POISONING.

Police Circular 22 *of* 1870, *N. W. P.*

District Superintendents should watch for any great mortality amongst horned cattle, and satisfy themselves to the best of their power as to whether this mortality arises from natural causes, such as the occurrence of any great murrain amongst the beasts, or whether it is attributable to human agency. If the latter cause is suspected, every effort must be used to ascertain the same, to trace out, and bring to justice the offending parties. The Police are precluded by the present state of the law from

making *suo motu* arrests in such cases. An order from the Magistrate is necessary in every instance, but this will never be difficult to obtain, provided there are good grounds for the application

A District Superintendent should also watch closely the trade in hides, and whether the great demand for such in Calcutta is followed immediately by an increased amount of exportation from his district, and whether such exportation is from *bonâ fide* stock in hand obtained in the natural course of trade, or whether unfair means are resorted to to meet the demand of the market With this view he should note quietly, but without any vexatious surveillance of the Police, the parties in his district who are the principal dealers and traders in hides, and should find out the portions of the district which, and the caste and description of people who supply their wants, and whether these last do so periodically and regularly, or whether both they and the dealers seem to have it in their power to meet at any time any sudden requisition made on them by the market.

In all convictions obtained for the crime of cattle-poisoning, he should carefully note the caste, occupation, and residence of the people convicted; and follow up carefully any clue so obtained as to parties who are concerned in the commitment of this crime.

Finally, the subject of the importation of arsenic into the district will also engage attention. The people who sell this drug openly, namely, uttars and others, generally, for their own safety, carefully record the names of purchasers thereof. It is not probable, therefore, though of course quite possible, that the criminal classes resort to these people for this poison. It is more probabl that they obtain their supply from other sources independent of the above.

N. B.—A great number of cattle poisoners were brought to justice this year in Allahabad by means of a chaukídár, by caste a chumar, who accompanied in plain clothes one of the accomplices (chumars) to the shop of a bunyah. This man sold arsenic freely to chumars, but kept no register or record of purchasers, and had hitherto been known only as a respectable dealer in small groceries. Arsenic is also freely sold on market-days for this purpose at large marts like Munshiganj, Zillah Mirzapur.

CATTLE-TRESPASS.

ACT No. I of 1871.

The Cattle-Trespass Act.

1. This Act may be called 'The Cattle-Trespass Act, 1871.'

It extends to the whole of British India except the Presidency Towns and such districts or tracts of country as the Local Government, with the sanction of the Governor-General in Council, may exclude from its operation.

And it shall come into force on the passing thereof.

2. All pounds established, pound-keepers appointed, and villages determined, under Act No. III of 1857, shall be deemed to be, respectively, established, appointed, and determined under this Act.

3. In this Act:—

'Officer of Police' includes also Village Watchman, and 'Cattle' includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats, and kids.

4. Pounds shall be established at such places as the Magistrate* of the District, subject to the general control of the Local Government, from time to time directs.

The village by which every pound is to be used shall be determined by the Magistrate of the District.

5. The pounds shall be under the control of the Magistrate of the District; and he shall fix, and may from time to time alter, the rates of charge for feeding and watering impounded cattle.

6. The Magistrate of the District shall also appoint for each pound a pound-keeper.

* S. 35, C. P C.

Every pound-keeper appointed by the Magistrate* of the District may be suspended or removed by such Magistrate.

Any pound-keeper may hold simultaneously any other office under Government.

Every pound-keeper shall be deemed a public† servant within the meaning of the Indian Penal Code.

7. Every pound-keeper shall keep such registers and furnish such returns as the Local Government from time to time directs.

8. When cattle are brought to a pound, the pound-keeper shall enter in his register,

(*a*) the number and description of the animals,
(*b*) the day and hour on and at which they were so brought,
(*c*) the name and residence of the seizer, and
(*d*) the name and residence of the owner, if known,

and shall give the seizer or his agent a copy of the entry.

9. The pound-keeper shall take charge of, feed, and water the cattle until they are disposed of as herinafter directed.

N. B.—To secure uniformity of practice, the following rules will be observed regarding charges for feeding cattle impounded :—

I. If animals unaccompanied by their owner arrive at a pound, and are located therein, the owner must pay for one day's feed, no matter how shortly afterwards he may arrive and apply for their release.

II. But if the owner or his representative accompany the cattle, or arrive before they are absolutely impounded, and tender the amount of fine prescribed by law for their release, they should be restored without any charge being made for their keep.—*Lucknow Pol. Cir.* 23 *of* 1872.

10. The cultivator or occupier of any land,

or any person who has advanced cash for the cultivation of the crop or produce on any land,

or the vendee or mortgagee of such crop or produce, or any part thereof,

may seize or cause to be seized any cattle trespassing on such land, and doing damage thereto or to any crop or produce thereon, and take them or cause them to be taken without unnecessary delay to the pound established for the village in which the land is situate.

All officers of police shall, when required, aid in preventing (*a*) resistance to such seizures and (*b*) rescues from persons making such seizures.

11. Persons in charge of public roads, pleasure-grounds, plantations, canals, drainage-works, embankments and the like, and officers of police, may seize, or cause to be seized, any cattle doing damage to such roads, grounds, plantations, canals, drainage-works, embankments and the like, or the sides or slopes of such roads, canals, drainage-works or embankments, or found straying thereon,

and shall take them without unnecessary delay to the nearest pound.

12. For every head of cattle impounded as aforesaid, the pound-keeper shall levy a fine according to the following scale :—

Elephant	two rupees.
Camel or buffalo	eight annas.
Horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	four ,,
Calf, ass or pig	two ,,
Ram, ewe, sheep, lamb, goat or kid	one anna.

All fines so levied shall be sent to the Magistrate of the District through such officer as the Local Government from time to time directs (*a*).

(*a*) *N. B.*—The Lieutenant-Governor of the Punjab directs that fines levied from the owners of impounded cattle shall be sent, either through the Tahsildar or through the Treasury Officer, to the Magistrate of the District, according as the Tahsil or Sadr Treasury may be the nearer to the pound from whence the money has to be despatched. These despatches should ordinarily be made once a month at such time as the pay of the Police Establishment is procured.—*G. O.*, 1871.

* S. 35, C. P. C. † S. 21, P. C.

A list of the fines and of the rates of charge for feeding and watering cattle shall be stuck up in a conspicuous place on or near to every pound.

13. If the owner of impounded cattle or his agent appear and claim the cattle, the pound-keeper shall deliver them to him on payment of the fines and charges incurred in respect of such cattle.

The owner or his agent on taking back the cattle, shall sign a receipt for them in the register kept by the pound-keeper.

14. If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to the officer in charge of the nearest police-station, or to such other officer as the Magistrate of the District appoints in this behalf.

Such officer shall thereupon stick up in a conspicuous part of his office a notice stating—

(*a*) the number and description of the cattle,
(*b*) the place where they were seized,
(*c*) the place where they are impounded,

and shall cause proclamation of the same to be made by beat of drum in the village and at the market-place nearest to the place of seizure.

If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the said officer, or an officer of his establishment deputed for that purpose at such place and time and subject to such conditions as the Magistrate of the District by general or special order from time to time directs:

Provided that if any such cattle are, in the opinion of the Magistrate of the District, not likely to fetch a fair price if sold as aforesaid, they may be disposed of in such manner as he thinks fit.

15. If the owner or his agent appear and refuse to pay the said fines and expenses, on the ground that the seizure was illegal and that the owner is about to make a complaint under section twenty, then, upon deposit of the fines and charges incurred in respect of the cattle, the cattle shall be delivered to him.

16. If the owner or his agent appear, and refuse or omit to pay, or (in the case mentioned in section fifteen) to deposit the said fines and expenses, the cattle, or as many of them as may be necessary, shall be sold by public auction by such officer, at such place and time, and subject to such conditions as are referred to in section fourteen.

The fines leviable and the expenses of feeding and watering, together with the expenses of sale, if any, shall be deducted from the proceeds of the sale.

The remaining cattle and the balance of the purchase-money, if any, shall be delivered to the owner or his agent, together with an account showing—

(*a*) the number of cattle seized,
(*b*) the time during which they have been impounded,
(*c*) the amount of fines and charges incurred,
(*d*) the number of cattle sold,
(*e*) the proceeds of sale, and
(*f*) the manner in which those proceeds have been disposed of.

The owner or his agent shall give a receipt for the cattle delivered to him and for the balance of the purchase-money (if any) paid to him according to such account.

17. The officer by whom the sale was made shall send to the Magistrate of the District the fines so deducted.

The charges for feeding and watering deducted under section sixteen shall be paid over to the pound-keeper, who shall also retain and appropriate all sums received by him on account of such charges under section thirteen.

The surplus unclaimed proceeds of the sale of cattle shall be sent to the Magistrate of the District, who shall hold them in deposit for three months, and, if no claim thereto be preferred and established within that period, shall, at its expiry, dispose of them as hereinafter provided.

18. Out of the sums received on account of fines and the unclaimed proceeds of the sale of cattle, shall be paid—

(*a*) the salaries allowed to pound-keepers under the orders of the Local Government;

(*b*) the expenses incurred for the construction and maintenance of pounds, or for any other purpose connected with the execution of this Act;

and the surplus (if any) shall be applied, under orders of the Local Government, to the construction and repair of roads and bridges and to other purposes of public utility.

19. No officer of police, or other officer or pound-keeper appointed under the provisions herein contained shall, directly or indirectly, purchase any cattle at a sale under this Act.

N. B.—Section 169, Penal Code, provides the punishment for any infringement.

No pound-keeper shall release or deliver any impounded cattle otherwise than in accordance with the former part of this chapter, unless such release or delivery is ordered by a Magistrate or Civil Court.

20. Any person whose cattle have been seized and detained under this Act may, at any time within ten days from the date of the seizure, make a complaint to the Magistrate of the District, or any Magistrate* authorized to receive and try charges without reference by the Magistrate of the district.

See Notes, S. 139, C. P. C.

21. The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. It may be either in writing or verbal. If it be verbal, the substance of it shall be taken down in writing by the Magistrate.

If the Magistrate, on examining the complainant or his agent, sees reason to believe the complaint to be well-founded, he shall summon the person complained against, and make an inquiry into the case.

N. B.—By the Court Fees' Act, a fee of 8 annas must be paid in either case for such examination, unless the Magistrate see fit to remit the same.

22. If the seizure be adjudged illegal, the Magistrate shall award to the complainant, for the loss caused by the seizure and detention, reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure, together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle;

and if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release, and direct that the fines† and expenses leviable under this Act shall be paid by the person who made the seizure.

23. The compensation, fines, and expenses mentioned in section twenty-two may be recovered as if they were fines imposed by the Magistrate.

See S. 307, C. P. C., and notes.

25. Any fine imposed for the offence of mischief by causing cattle to trespass on any land may be recovered by sale of all or any of the cattle by which the trespass was committed, whether they were seized in the act of trespassing or not, and whether they are the property of the person convicted of the offence, or were only in his charge when the trespassing was committed.

28. All fines recovered under section twenty-five, section twenty-six, or section twenty-seven may be appropriated in whole or in part as compensation for loss or damage proved to the satisfaction of the convicting Magistrate.

29. Nothing herein contained prohibits any person whose crops or other produce of land have been damaged by trespass of cattle, from suing for compensation in any competent Court.

30. Any compensation paid to such person under this Act by order of the convicting Magistrate, shall be set-off and deducted from any sum claimed by or awarded to him as compensation in such suit.

N. B.—By C. O. M. E. of 1871 in Canal irrigated districts, Executive Engineers to furnish Magistrates of Districts with lists of the places at which they recommend the establishment of pounds, in order to facilitate the working of the Act by the Canal Establishments.

* S. 141. † S. 12.

Schedule of Offences punishable under Act I of 1871.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
24	Forcibly opposing the seizure of cattle liable to be seized under this Act, rescuing the same after seizure from a pound, or person taking or about to take them to a pound, such person being near at hand and acting under the powers conferred by this Act.	Any person.	N. C.	S.	B.	Imprisonment of either description not exceeding six months, or fine not exceeding Rs. 500, or both.	Any Magistrate.	All fines may be recovered as fines under the C. P. C. See also exp., S. 25.
26	Owner or keeper of pigs through neglect or otherwise damaging or causing or permitting to be damaged any land or any crop, or produce of land or any public road by allowing pigs to trespass thereon.	"	"	"	"	Fine not exceeding Rs. 10.	"	"
27	Any pound-keeper releasing, purchasing, or delivering cattle contrary to S. 19, or omitting to provide impounded cattle with food and water, or failing to perform any of the other duties imposed upon him by this Act.	"	"	"	"	Fine not exceeding Rs. 50. This is over and above to any other penalty to which he may be liable.	"	May be recovered by fines from pound-keepers' salary.

CHARACTER BOOK.

I. A character book shall be prepared and kept up in the offices of the Magistrates and Collectors, to include clerks of the English office drawing Rs. 50 and upwards, Sherishtadars and Record-keepers and officers of other grades drawing a salary of the above amount, with the addition of the Jail Darogahs and Foujdaree and Revenue Nazirs; as also for the Tehseeldarees and Thannahs in each district, to include Tehseeldars, Naib Tehseeldars or Peshkars, Thannahdars, Mohurrirs and Jemadars.

Two books will be kept by the Magistrates, one for the Sudder Office and one for the Mofussil Offices.

II. The book to be of English paper, and strongly bound for permanent record. All entries will be made either by the head of the office, or by the officer in charge of a sub-division. Entries made in such cases for a sub-division (within such limits of penalty as may be allowed, in each instance, in the discretion of the Magistrate and Collector) are to be shown monthly to the latter officer, and to be countersigned by him, at the close of the month, in attestation of their having been inspected by him.

III. A page will be left blank in regard to each officer for the entry in the first instance, and afterwards yearly, of any of his connections, who may be employed in the same district. The entries on the page following will be according to the form annexed. Two or three further pages will be left blank, in each instance, for additional entries.

IV. The brief description of the previous service of the officer in any of the higher grades, which is to be placed, at the head of the entries, as shown in the form, should be taken from each officer concerned, who will be held strictly responsible for its correctness. In the columns marked for the purpose, a brief record will be made of every order or proceeding hereafter issued, conferring any marked reward, or noticing with special credit the conduct of the officer in any particular case. The nature only of the order or reward will be noted, with a distinct reference to the proceedings of the case itself. In those proceedings it will invariably be mentioned that the appropriate entry has been directed to be made in the Character Book.

V. All such notices will be in English, excepting where a sub-division may be under a Native Deputy Collector and Joint-Magistrate, who will, in that case, record the notice in his own language. All such notices will be signed in full by the officer responsible for them at the time when they are made.

VI. The record will ordinarily be simply a note of the purport of the order of approbation or censure, expressed so as to enable the original record to be traced without delay. In cases in which the head of an office called upon to testify to the character of any of the officers included in the register, and who may have clear and strong ground for certifying the peculiar merits and efficiency of such officer, when these may not be apparent on the face of the entries, think it just to leave such a record, he will be at liberty to add a note stating his opinion generally to that effect, and the circumstances on which it is founded. Otherwise the record will be only of orders of proceedings actually held in respect to each officer as occasion may arise.

VII. All orders of promotion, and of suspension or dismissal, will be entered as indicated by the annexed form. Resignations of office connected with no cause of censure on the conduct of the officer may be entered in a separate foot-note.

VIII. If any order whether of approval or censure subsequently be overruled, or altered by superior authority, the circumstance will be carefully noted by a red-ink entry, written across the original entry.

IX. On all occasions of the promotion, suspension or removal of an officer, an extract from the Character Book, comprising all its entries will be attached to the proceedings recorded in the Native office, and will form a necessary part of the record, when submitted, as may be requisite under the established rules, to higher authority.

X. No officer who has served in one district shall obtain employment in another district without an extract from the Character Book being filed with the proceeding of appointment; and on his appointment in the new district taking place, the extract will be incorporated in the Character Book of that district.

Such extract shall be claimable by the officer as of right, and shall be given without expense, under the signature of the head of the officer. But the extract shall be complete so as to comprehend all entries whether of approval or the reverse. The practice of issuing commendatory perwannahs, or separate certificates of good character, in the case of officers upon establishments and of grades, for which the registers are to be formed, is strictly prohibited from the date on which these orders will have effect. Opinions as to peculiar ability and good character may be recorded on the extracts, in cases in which they may be thought to be specially called for, under the provisions contained in Rule VI.

XI. Officers will be at liberty to make a record of the character of persons in the lower grades, as of Duffadars and Burkundauzes, in cases which they may regard as of highly marked good conduct, meriting such a distinction. Where such a record is made, it should also be noted whether the party has received any and what extent of education.

XII. Heads of Departments in other districts desirous to give employment to officers of approved good conduct will be at liberty to refer for any information which can be supplied from these registers in any part of the country in which they are kept up—*G. O.* 244*A. of* 1855.

The above rules made applicable to Sessions Courts by S. N. A. C. O. 775 of 1855.

TOORAB ALLEE

Is the son of a Zemindar of the district, *vide* letter of to the Collector, dated the 186 . He was appointed Peshkar of the tehseel by Mr. in . In he was appointed officiating Tehseeldar of by and confirmed in the substantive appointment by the Commissioner, in his letter No. , dated . He has landed property in the district .

N. B.—Note, on the page left for that purpose, any relatives employed in the district to which the register relates, and any periods of discontinuance of the Government service exceeding six months, with the reason for relinquishing it at that time.

NOTE.—On this half page enter notices of approbation and rewards, and orders of promotion.

NOTE.—On this half page enter notices of censure or punishment including suspension and dismissal.

CHARGE SHEETS.

Panjab Police Cir. 57 of 1871.

It is obviously convenient to charge all the accused persons together whose offence is covered by the same evidence given by one set of witnesses rather than to go over the same ground for each prisoner; but accused persons should not be joined in a Charge Sheet when they are to be tried for unconnected offences.

The following are the principal rulings on the subject:—

False Evidence.—In framing a charge for giving false evidence, the charge should be precise; and where the accused is charged with giving false evidence on three different occasions, each occasion should form the subject of a distinct head in the

charge, and should be disposed of by itself—(*Feojdar Roy*, 9 S. W. R., Cr. R., 14); charges of perjury should contain a distinct assertion with regard to *each* statement intended to be characterised as perjury, that it was made, that it was untrue in fact, and that the accused knew it to be so when he made it; and the investigation of the Court should be directed to each of these points singly—(*Kalichurn Lahoree*, 9 S. W. R., Cr. R., 54).

A person accused of perjury is entitled to have the specific charge made against him tried quite independently of a like charge against another person; and the Court of Session must find judicially whether all, or, if not all, which of the particular charges of perjury, where there is more than one charge, is made out against each prisoner—(*Khoab Lall*, 9 S. W. R., Cr. R., 1866; *Bhavani Shunkar*, 5 Bom. H. C. R., Cr. Case 55; *Ruttee Ram*, 2 N. W. P., Offl. Rep., 21; *Fagoo Takoor*, 10 S. W. R., Cr. R., 2.)

Rioting.—In cases of rioting it is preferable to try each faction separately. The statements of the members of each faction can then be taken on solemn affirmation, and be made evidence against their opponents; but if they decline to give evidence on the ground of implicating themselves, they cannot be compelled to do so.—*Mahomed Hosein*, 1 H. C., N. W. P., Offl. Rep., 9. There had been a riot and fight between two factories, and some members of one party (A) were charged with the murder of the leader of the other party (B), and some members of the other party (B) were charged with causing grievous hurt to the leader of party (A). *Held* that the members of each party should have been committed for trial separately, and that the Magistrate was wrong in committing the members of party (A), and of party (B) for trial all together upon joint charges, as if they had had one common object—(*Sheikh Basu* [Full Bench] 8 S. W. R., Cr. R., 47; *Surroop Chunder*, 12 S. W. R., Cr. R., 75; *Durgoola*, 9 S. W. R., Cr. R., 33.

Bad Livelihood.—Ordinarily separate proceedings should be commenced against each accused (in charges under S. 504, C. P. C.), unless there is proof of association—(Pro., Mad. High Ct. 767 of 26th April 1869, 4 Mad. Jurist, 187).

Oudh Government Police Circular No. 30 of 1869 issues the following instructions regarding the English charge sheets:—

I.—Cases will be sent to the District Superintendent's office as heretofore.

II.—The charge sheet will be drawn up in English as heretofore, but will not be sent to the Magistrate with the case, it will be retained and filed in the District Superintendent's office.

III.—District Superintendents will exercise the same care as when the English charge sheet went to the Magistrate, in eliminating from the vernacular chullan all unnecessary witnesses, and in summoning without delay additional witnesses whose evidence may appear essential to the case. At the foot of the vernacular chullan a note should be made showing the names of witnesses not sent up to the Magistrate, and also of additional witnesses summoned.

IV.—Such English charge sheets as may be prepared by Inspectors and Deputy Inspectors will be carefully scrutinized by District Superintendents.

VI.—As the English charge sheet has been retained, so as to enable District Superintendents to exercise a closer supervision over native Police officers in charge of Police stations, the greatest care must be taken to point out all errors that may be brought to notice; the original orders issued to Police officers pointing out errors will be endorsed on the back of the English charge sheet, and the Inspector-General will on his inspections closely scrutinize these documents.

Lower Bengal Rules.

3. On first reporting a case, the complainant may say he suspects no one, and afterwards make a charge against some particular person; in such a case the final report will be in either A, B, C, or D Form according to the result of the inquiry. In short, whatever complaint may be originally preferred, the final report will always depend upon, whether it is "proved" (A Form, see pp. 103, &c.) "not proved" (B Form, see pp. 111, &c.) "undetected" (C Form, see p. 89) or "false" (D Form).

4. In many complaints the charge is made up in part of an offence cognizable and in part of an offence, non-cognizable. If it be found by inquiry that so much of the charge as is cognizable is false, the Police officer should reject the complaint, and submit Form D.

Form D is the final report to be submitted in all cognizable cases in which the complaint is false or in which no cognizable offence has been committed.

Cases which are false only as regards the person charged, but in which the offence is ascertained to have been committed, should not be reported in Form D. True cases, in which persons have been charged falsely, should if undetected be reported in Form C. See p. 89.

2. When complaint is laid of a cognizable offence, but the Police find upon inquiry that the offence actually committed is one not cognizable, final report will be submitted in Form D, as when a charge of highway robbery turns out to be a case of simple assault. In such a case the Magistrate would, if he thought proper, issue summons for assault, or would leave the aggrieved person to make his own complaint. The case would be shown as a case non-cognizable.

3. So, if on a serious charge being made, the Police hastily arrest the party accused, but subsequently discover that the complaint is wholly unfounded, or that the act done is is an offence not cognizable, and that the party arrested is entitled to immediate release, here, though, an arrest has been made, Form D, must be submitted, because no cognizable offence has been committed.

4. The first eight columns of this form should be filled up similarly to the corresponding columns in C. Form.

The entries in the last two columns require special care, as furnishing the Magistrate with material for judging whether the case is rightly reported as false.

Column 9 distinctly requires that the names of two sets of witnesses be entered; (1) of witnesses who disprove the complaint; (2) of witnesses who support the complaint.

Column 10 should contain a brief abstract of the statements of each of the above witnesses together with clear reasons on the part of the Police officer who has held the inquiry for crediting the former, and discrediting the latter. In false charges the motive of the complaint can generally be given.

Column 11 should show whether the complaint is refused as being wholly false, or as being exaggerated and not cognizable. In the latter case, the section under which the non-cognizable offence falls should be entered. The entry in this column will show readily what proportion of cases returned in D Form are wholly false, and what proportion are exaggerated complaints, with a foundation of truth, in which the offence actually committed is not cognizable. The reasons on which the Police officer bases his opinion should be given in full in the preceding column.

If the Magistrate sees cause for dissatisfaction with the inquiry or arrives at a different conclusion from the Police officer, he will direct further inquiry, or order the attendance of the parties concerned. If finally the complainant or the accused person be sent up for trial, Form A will be submitted.

5. Whoever prefers a complaint to a Police officer under Section 112, Code of Criminal Procedure, is said to institute a criminal proceeding and whoever wilfully, with intent to injure, institutes a criminal proceeding against a person knowing that there is no just cause for such proceeding is punishable under Section 211, Penal Code.

Procedure under the above section may be instituted against an offender without complaint by the party aggrieved, either by a Magistrate of his own motion under Section 142, Code of Criminal Procedure, or by any Police officer, under Section 24, Act V of 1861, on application for issue of process according to law. When, therefore, a Police officer reports upon a charge which he finds to have been fabricated wilfully without any reasonable ground, and with intent to injure, he should so frame his report that the Magistrate may have no difficulty in determining whether there is sufficient evidence to support proceedings against the prosecutor for false complaint. This should be distinctly set forth in Column 10.

FORM D.

Final Report of a cognizable complaint reported at_____Police station in which the complaint was found to be false or refused as non-cognizable.

1. No.
2. Date.
3. No. of first intimation.
4. How and by whom brought.
5. Name of complainant or informant, and address.
6. Crime charged.
7. Amount of property said to have been stolen.
8. Accused not arrested.
9. Accused arrested and released.
10. Names and residences of witnesses through whom complaint proved false or not cognizable.

    Ditto of others who stated anything in support of the complaint.
11. Whether refused as wholly false or as not cognizable.
12. Signature of investigating officer.
13. Magistrate's final orders.

1	2	3	4	5	6	7	8	9	10	11
No. and date of final report.	No. of first information of case.	How and by whom brought to station.	Complainant or informant's name and address.	Charge or complaint.	Amount of property said to have been stolen.	Name and address of accused person		Names and residences of witnesses on whose evidence the complaint was ascertained to be false or not cognizable, and also of any other persons examined by the Police who stated anything whatever in support of the complaint.	Brief abstract of the evidence of each witness by whom the complaint was shown to be false or not cognizable, also of all other persons examined by the Police who stated anything whatever in support of the complaint, and reasons of Police for refusing complaint.	Whether refused as wholly false or as not cognizable.
						Not arrested.	Arrested and released.			

CHOWDHREES.

Rules for supplying Carriage to Troops published by Government of India.

I.—If possible not less than 15 days' notice shall be given to the Collector of the quantity and description of carriage which will be required.*

II.—The Collector shall make his own arrangements with the chowdrees of contractors, who shall be responsible for the proper quality of the carriage and for the good conduct of the parties in charge of it. The Collector shall also arrange for the relief of the carriage at suitable distances where carriage is obtainable.

III.—The Commanding Officer of the troops will be responsible that half the hire and the fees to the chowdree, which have been fixed by the Local Government, are paid in advance, and that the balance is made good on arrival at the destination of the troops, or when the carriage is relieved. He will also be responsible that the carriage is not overladen, that the animals are not overdriven, and that the parties in charge are properly treated.

IV.—If the Commanding Officer has reason to be dissatisfied with the way in which the engagement has been executed, he should complain *at once* on arrival at a station to the Collector, who will have the case immediately inquired into in presence of both parties; and his decision shall be enforced.

V.—Collectors will be responsible to Government that the engagements regarding carriage are fairly adhered to, and that, failing this after they have ascertained the merits of the case, the matter is promptly reported to superior authority. They will also be responsible that tables showing the rates of hire and chowdrees' fees, with the proper weight of loads, and the conditions regarding halting, demurrage, and the like, are made known to the Commanding Officer when the carriage is supplied.

VI.—No chowdrees or contractors should be allowed to use badges or other signs of office, or to seize carriage. They should, in the opinion of the Governor-General in Council, be as much as possible the representative men of the classes who nominate them, and they should maintain their position by their own influence, added to that which they gain by the recognition of the Government authorities. The latter could fine a chowdree for misbehaviour, or in a grave case require the class he represented to depose him and appoint another; but the more such interference can be avoided the better.

VII.—Whenever Government for its own objects requires the continuous service of the chowdree, a small monthly allowance might be granted him in addition to his regular fees; but ordinarily this will not be necessary.

VIII.—Perwannahs shall, in all cases, be furnished to dismissed cartmen, prohibiting their seizure or molestation on their way home; and any infringement of these orders should be noticed and reported if necessary.

14. The above rules will be of course applicable, *mutatis mutandis*, whenever the Commissariat Officer is unable to obtain the carriage by his own arrangements, and has to apply for assistance to the Civil authorities. In such cases it will be his duty to do all he can to ensure the proper treatment, payment, and relief of the carriage just as if he had himself supplied it.

Rules in the North-Western Provinces.

1. When a regiment or detachment is about to march, not less than 15 days' notice is to be given to the District Officer, with a full detail of the quantity of carriage required. Carriage is not to be supplied by the District Officer except on a regular indent, countersigned by the Commanding Officer.

* The confusion between Collector and Magistrate in these orders is no slight one: thus here we have Collector, and yet the order is from the Judicial Criminal Department, and was addressed to Cantonment and other Magistrates.

2. The indent for the carriage required for that portion of the men's baggage, for the conveyance of which Government is responsible, must be invariably distinct from the indent for the carriage required for the rest of the men's baggage and for that of the officers. Each indent must state distinctly whether the charges for the carriage indented for will be paid by the State or by the troops themselves, so that there may be no question as to the quarter from which payment is to be claimed. The Indenting Officer is personally responsible for not entering in the indent for carriage the charges of which are debitable to the State, any carriage not properly so chargeable.

3. The District Officer shall make arrangements for the supply of carriage with chowdrees or contractors, who shall be responsible for its proper quality, and for the good conduct of the parties in charge of it. The chowdrees shall make their own arrangements in regard to fees, which shall, however, in no case exceed one anna per rupee, and shall not be claimable from the hirer, and they shall not be allowed to use badges, &c. as in Rule VI.

4. The District Officer shall also arrange for the relief of the carriage at suitable distances where carriage is obtainable, and shall furnish to the officer, through whom the relief is to be procured, a copy of the indent received from the Commanding Officer, informing at the same time the Commissioner of the division, whose duty it will be to see that the carriage is duly relieved.

5. A uniform rate of seven annas a day for each bullock employed shall be charged in all divisions except that of Kumaon, to be calculated from the date on which the carriage is taken up to the date of discharge, both inclusive. There will be no charge for return hire, and full hire will be charged for halts.

6. Same as Rule III.

7. Same as Rule IV.

8. Same as Rule V.

9. When necessary the District Officer will advance half hire on engaging a carriage, to be recovered from the Commanding Officer; but, beyond making the advances, the District Officer is not authorized to make any final payment or adjustments.

10. A perwannah in English, Oordoo, and Hindee, signed and sealed by the District Officer, is to be given to each person in charge of carriage. The carriage protected by this document shall not be liable to seizure on the way home for the use of troops, unless they are marching in the direction of the owner's house.

11. The subjoined table shows the utmost weight of baggage for which carriage will be furnished on indent, on the responsibility of the Civil authorities:—

Rank, &c.		Service Equipment, exclusive of camp equipage.	On occasion of ordinary relief, &c., weight of camp equipage not supplied by Government inclusive.
		Maunds.	Maunds.
Colonels ...		40	134
Lieutenant-Colonels	married	25	104
Majors, and those of equal rank	unmarried		76
Captains	married	10	86
Surgeons, and those of equal rank	unmarried		48
Subalterns	married	5	66
Assistant Surgeons and Veterinary Surgeons	unmarried		38
Warrant Officers ...		3½	23

Rank, &c.	Service Equipment, exclusive of camp equipage.	On occasion of ordinary relief, &c., weight of camp equipage not supplied by Government inclusive.
	Maunds.	Maunds.
Native Commissioned Officers ...	1½	5
Regimental Sergeant-Majors and Quarter-Master Sergeants ...	2½	18
Havildars and Native Doctors ...	½	1
Non-Commissioned Officers and Soldiers, European troops ...	½	½
Christian Drummers and Buglers, married ...	...	½
Naicks, Drummers, and Sepoys ...	¼	½
Band Property ...	...	36
Adjutant's Office ...	...	18
Quarter-Master's Office ...	...	5
Pay-Masters, Her Majesty's Regiments ...	...	10
Regimental Forge ...	...	18
" Treasure Chest ...	...	18
Mess Property, European Regiment ...	...	352
" Native " ...	...	168
" Troop or Company of Artillery, or Detachment of Recruits, having an established Mess ...	...	66
" Sergeants, European Regiment...	...	10
Additional for each Officer present ...	4	5
Bazaars.		
Per Troop or Company, European or Native Cavalry, Infantry, Sappers, or Reserve Company of Artillery ...	...	5
A Troop of European Horse Artillery ...	...	10
" Native " ...	...	12
A Company of European Foot Artillery with Battery ...	...	7
A Company of Native Foot Artillery with Battery	...	10

CIVIL SURGEON AND CHEMICAL EXAMINER.

QUESTIONS WHICH MAY BE PUT TO MEDICAL WITNESSES IN CRIMINAL TRIALS.

Jud. Com., Punjab, 1863; *Oudh, C. D.*, 53, 1863; *Central Provinces, B. C.*, IV, 1864.

No. I.

Questions which may be put to a medical witness in a case of suspected poisoning after *post mortem* examination of the body :—

I.—Did you examine the body of , late a resident of ; and, if so, what did you observe ?

II.—What do you consider to have been the cause of death? State your reasons.

III.—Did you find any external marks of violence on the body? if so, describe them.

IV.—Did you observe any unusual appearances on further examination of the body? If so, describe them.

V.—To what do you attribute these appearances,—to disease, poison, or other cause?

VI.—If to poison, then to what class of poisons?

VII.—Have you formed an opinion as to what particular poison was used?

VIII.—Did you find any morbid appearances in the body besides those which are usually found in cases of poisoning by ? If so, describe them.

IX.—Do you know of any disease in which the *post mortem* appearances resemble those which you observed in the present case?

X.—In what respect do the *post mortem* appearances of that disease differ from those which you observed in the present case?

XI.—What are the symptoms of that disease in the living?

XII.—Are there any *post mortem* appearances usual in cases of poisoning by , but which you did not discover in this instance?

XIII.—Might not the appearances you mention have been the result of spontaneous changes in the stomach after death?

XIV.—Was the state of the stomach and bowels compatible or incompatible with vomiting and purging?

XV.—What are the usual symptoms of poisoning by ?

XVI.—What is the usual interval between the time of taking the poison and the commencement of the symptoms?

XVII.—In what time does generally prove fatal?

XVIII.—Did you send the contents of the stomach and bowels (or other matters) to the Chemical Examiner?

XIX.—Were the contents of the stomach (or other matters) sealed up in your presence immediately on removal from the body?

XX.—Describe the vessel in which they were sealed up, and what impression did the seal bear?

XXI.—Have you received a reply from the Chemical Examiner? If so, is the report now produced that which you received?

If a female adult. XXII.—What was the state of the uterus?

No. II.

Questions that may be put to non-professional witnesses in a case of suspected poisoning:—

I.—Did you know , late a resident of ? If so, did you see him during his last illness and previously?

II.—What were the symptoms from which he suffered?

III.—Was he in good health previous to the attack?

IV.—Did the symptoms appear suddenly?

V.—What was the interval between the last time of eating or drinking and the commencement of the symptoms?

If death occurred. VI.—What was the interval between the commencement of the symptoms and death?

VII.—What did the meal consist of?

VIII.—Did any one partake of this meal with ?

IX.—Were any of them affected in the same way?

X.—Had ever suffered from a similar attack before?

If any of the following symptoms have been omitted in answer to questions, special questions may be asked regarding them as follow:—

XI.—Did vomiting occur?

XII.—Was there any purging?
XIII.—Was there any pain in the stomach?
XIV.—Was very thirsty?
XV.—Did he become faint?
XVI.—Did he complain of headache or giddiness?
XVII.—Did he appear to have lost the use of his limbs?
XVIII.—Did he sleep heavily?
XIX.—Had he any delirium?
XX.—Did convulsions occur?
XXI.—Did he complain of any peculiar taste in the mouth?
XXII.—Did he notice any peculiar taste in his food or water?

This is with reference to *nux vomica*.

XXIII.—Was he sensible in the intervals between the convulsions?

This is with reference to aconite.

XXIV.—Did he complain of burning or tingling in the mouth and throat, or of numbness and tingling in the limbs.

No. III.

Questions which may be put to a medical witness in a case of supposed death by wounds or blows, after *post mortem* examination of the body:—

I.—Did you examine the body of , late a resident of ; and if so, what did you observe?

II.—What do you consider to have been the cause of death? State your reasons.

III.—Did you find any external marks of violence on the body? If so, describe them.

IV.—Are you of opinion that these injuries were inflicted before or after death? Give your reasons.

V.—Did you examine the body internally? Describe any unnatural appearance which you observed.

VI.—You say that in your opinion was the cause of death in what immediate way did it prove fatal?

VII.—Did you find any appearance of disease in the body?

VIII.—If so, do you consider that, if the deceased had been free from this disease, the injuries would still have proved fatal?

IX.—Do you believe that the fact of his suffering from this disease lessened his chance of recovery from the injuries sustained?

X.—Are these injuries taken collectively (or is any of them) ordinarily and directly dangerous to life?

XI.—Have they been caused by manual force, or with a weapon?

XII.—Did you find any foreign body or foreign matter in the wound?

XIII.—By what sort of weapon has the wound been inflicted?

XIV.—Could the injuries have been inflicted by the weapon now before you (No. in the Police charge sheet)?

XV.—Could the deceased have walked (so far), or spoken, &c., after the receipt of such an injury?

XVI.—Have you chemically or otherwise examined the stains (on the weapon, clothes, &c.,) now before you (No. in the Police charge sheet)?

XVII.—Do you believe the stains to be those of blood?

XVIII.—What time do you think elapsed between the receipt of the injuries and death?

XIX.—What was the direction of the wound, and can you form an opinion as to the position of the person inflicting such a wound with respect to the person receiving it?

XX.—Is it possible for such a wound to have been inflicted by any one on his own person? Give your reasons.

In gun-shot wounds.

XXI.—Give the precise direction of the wound.

XXII.—Did the appearances of the wound indicate that the gun had been discharged close to the body or at some distance from it?

XXIII.—Did you find any slug, bullet, wadding, &c., in the wound or had made its exit?

XXIV.—Do you think it possible that you could have mistaken the apperture of entrance for that of exit?

No. IV.

Questions that may be put to a medical witness in a case of supposed infanticide after *post mortem* examination of the body:—

I.—Did you examine the body of a female child sent to you by the District Superintendent of Police on the of 187 ; and, if so, what did you observe?

II.—Can you state whether the child was completely born alive, partially born alive, or born dead? State the reasons for your opinion.

III.—What do you consider to have been the cause of death? Give your reasons.

IV.—What do you believe to have been the uterine age of the child? State your reasons.

V.—What do you believe to have been the extra-uterine age of the child? Give reasons.

VI.—Did you find any marks of violence or other unusual appearances externally? If so, describe them accurately.

VII.—Did you find any morbid or unusual appearances on examination of the body internally? If so, describe them accurately.

VIII.—Do you believe the injuries you observed to have been inflicted before or after death? Give reasons.

IX.—Can you state how they were inflicted? Give reasons.

X.—Do you consider that they were accidental or not? Give reasons.

XI.—Had the infant respired fully, partially, or not at all?

XII.—Did you examine the person of , the alleged mother of the infant? If so, have you reason to suppose that she was recently delivered of a child? Can you state approximately the date of her delivery? Give reasons.

No. V.

Questions that may be put to a medical witness in a case of supposed death by hanging or strangulation:—

I.—Did you examine the body of , late a resident of and, if so, what did you observe?

II.—What do you consider to have been the cause of the death? State the reasons for your opinion.

III.—Did you observe any external marks of violence upon the body?

IV.—Did you observe any unnatural appearances on examination of the body internally?

V.—Was there any rope or other such article round the neck when you saw the body?

VI.—Can you state whether the mark (or marks) you observed were caused before or after death?

VII.—By what sort of articles do you consider the deceased to have been hanged (or strangled)?

VIII.—Could the mark you observed have been caused by the rope or other article now before you (No. of the Police charge sheet)?

IX.—Do you think that this rope could have supported the weight of the body?

If strangulation.

X.—Would great violence be necessary to produce the injuries described?

No. VI.

Questions that may be put to a medical witness in a case of supposed death by drowning, after *post mortem* examination of the body:—

I.—Did you examine the body of , late a resident of and, if so, what did you observe?

II.—What do you consider to have been the cause of death? State your reasons.

III.—Were there any external marks of violence upon the body? If so, describe them.

IV.—Describe any unnatural appearances which you have observed on further examination of the body.

V.—Did you find any foreign matters, such as weeds, straw, &c., in the hair, or clenched in the hands of the deceased, or in the air passages, or attached to any other part of the body?

VI.—Did you find any water in the stomach?

No. VII.

Questions that may be put to a medical witness in a case of alleged rape:—

I.—Did you examine the person of Mussamut ? If so, how many days after the alleged rape did you make the examination, and what did you observe?

II.—Did you observe any marks of violence about the vulva or adjacent parts?

III.—Are there injuries such as might have been occasioned by the commission of rape?

IV.—Was the hymen ruptured?

(N. B.—*This question only to be asked in the case of the rape of a girl of tender years*).

V.—Did you observe any further marks of violence upon the person of the woman?

VI—Had she passed the age of puberty?

VII.—Can you state approximately what her age is?

VIII.—Did you find her to be a strong, healthy woman, or so weakly as to be unable to resist an attempt at rape?

IX.—Did you examine the person of the accused?

X.—Did you observe any marks of violence upon his body?

XI.—Was he suffering from any venereal disease?

XII.—Did you find the woman to be suffering from a similar or other venereal disease?

XIII.—Had a sufficient time elapsed, when you examined the person of the woman, for venereal disease to have made its appearance, in case of her having been infected?

XIV.—Can you state approximately how long the defendant had been suffering from this complaint?

XV.—Can you state approximately how long the woman had been suffering from this (venereal) complaint?

XVI.—Have you examined the stained articles forwarded to you and now in Court (No. of Police charge sheet)?

XVII.—What is the result of your examination?

XVIII.—Do you believe that a rape has been committed or not? State your reasons.

No. VIII.

Questions that may be put to a medical witness in cases of suspected insanity:—

I.—Have you examined ?

II.—Have you done so on several different occasions, so as to preclude the possibility of your examinations having been made during lucid intervals or insanity?

III.—Do you consider him to be capable of managing himself and his personal affairs?

IV.—Do you consider him to be of "unsound mind;" in other words, intellectually insane?

V.—If so, do you consider his mental disorder to be complete or partial?

VI.—Do you think he understands the obligation of an oath?

VII.—Do you consider him, in his present condition, competent to give evidence in a Court of law?

VIII.—Do you consider that he is capable of pleading to the offence of which he now stands accused?

IX.—Do you happen to know how he was treated by his friends (whether as a lunatic, an imbecile, or otherwise) prior to the present investigation, and the occurrences that have led to it?

X.—What, as far as you can ascertain, were the general characteristics of his previous disposition?

XI.—Does he appear to have had any previous attacks of insanity?

XII.—Is he subject to insane delusions?

XIII.—If so, what is the general character of these? Are they harmless or dangerous? How do they manifest themselves?

XIV.—Might such delusion or delusions have led to the criminal act of which he is accused?

XV.—Can you discover the cause of his reason having become affected? In your opinion, was it congenital or accidental?

XVI.—If the latter, does it appear to have come on suddenly or by slow degrees?

XVII.—Have you any reason for believing that his insanity is of hereditary origin? If so, please to specify the grounds for such an opinion and all the particulars bearing on it, as to the insane parents or relatives of the accused, the exciting cause of his attack, his age when it set in, and the type which it assumed.

XVIII.—Have you any reason to suspect that he is in any degree feigning insanity? If so, what are the grounds for this belief?

XIX.—Is it possible, in your opinion, that his insanity may have followed the actual commission of his offence or been caused by it?

XX.—Have you any reason to suppose that the offence could have been committed during a lucid interval, during which he could be held responsible for his act; (if so, what appears to you to have been the duration of such lucid interval?) or on the contrary, do you believe his condition to have been such as altogether to absolve him from legal responsibility?

XXI.—Does he now display any signs of homicidal or of suicidal mania, or has he ever done so to your knowledge?

XXII.—Do you consider it absolutely necessary, from his present condition, that he should be confined in a Lunatic Asylum? Or, again—

XXIII—Do you think that judicious and unremitting supervision, out of an Asylum, might be sufficient to prevent him from endangering his own life, or the property of others?

No. IX.

Questions that may be put to a medical witness in a case of alleged causing miscarriage (Sections 312—316, I. P. C.):—

I.—Did you examine the person of Mussamut ? If so, when? And what did you observe?

II.—Are you of opinion that a miscarriage has occurred or not? Give your reasons.

III.—In what mode do you consider the miscarriage to have been produced,—whether by violence *per vaginam*, or by external violence, or by the use of irritants internally? Give your reasons.

IV.—It is alleged that a drug called was used. State the symptoms and effects which the administration internally of this drug would produce. Do you consider that it would produce miscarriage?

V.—Can you state whether the woman was quick with child when the miscarriage was produced? State your reasons.

VI.—Did you see the fœtus? If so. at what period of gestation do you consider the woman to have arrived?

No. X.

Questions that may be put to a medical witness in a case of grievous hurt:—

I.—Have you examined ? If so, state what you observed.

II.—Describe carefully the marks of violence which you observed.

III.—In what way do you consider the injuries to have been inflicted? If by a weapon, what sort of a weapon do you think was used?

IV.—Do you consider that the injuries inflicted could have been caused by the weapon now shown to you (No. of Police charge sheet)?

V.—What was the direction of the wound, and can you form an opinion as to the position of the person inflicting such a wound with respect to the person receiving it?

VI.—Is it possible for such a wound to have been inflicted by any one on his own person? Give your reasons.

VII.—Do you consider that the injuries inflicted constitute any of the forms of "grievous hurt" defined in Section 320 of the Indian Penal Code? If so, which of them? Give your reasons.

The Magistrate in putting this question will show the I. P. C. to the witness, or the Magistrate may vary the form of the question so as to elicit the required information without calling the witness's attention to the I. P. C.

VIII.—Do you consider that the person injured is now out of danger?

IX.—It is alleged that the injuries were caused by ; could they have been caused in the manner indicated?

X.—Have you chemically, or otherwise, examined the stains (on the weapon, clothes, &c.,) now before you (No. in the Police charge sheet)?

XI.—Do you believe the stains to be those of blood?

(*N. B.*—In case of the injuries being gun-shot wounds, questions XXI to XXIV under the head of No. III. [death by wounds] may be put to the witness).

POST MORTEM REPORT.

Prescribed by Central Provinces XXIII of 1870, *and Punjab XVII of* 1868, *and XVI of* 1870.

Station——————————day of——————————187

I.—Preliminary Particulars.

1. Name and father's name.
   Sex and age.
   Caste.
2. Whence said to have been brought.
3. Date and hour of examination.

II.—External Appearances.

1. Condition of body—
   Stout, thin, decomposed, &c.
2. Height by measuring from head to feet.
3. Distinguishing marks—
   Position and appearance.
   Moles, scars, &c.
4. Wounds, if present—
   Position, size, and character.
5. Bruises—
   Position, size, nature, and probable date.
6. Mark of ligature on neck—
   Appearances of this on dissection

III.—Internal Appearances.

1. Cranium and spinal cord.
Note.—The spinal cord need not be examined unless any indication of disease or injury exists.
Scalp-wounds, ulcers, &c.
2. Skull fractures.
3. Membranes.
4. Brain, surface section, ventricles.
5. Vertebræ.

IV.—Thorax.

1. Walls, ribs, and cartilages.
2. Pleura right, pleura left.
3. Right lung.
4. Left lung.
5. Larynx, trachea, and bronchi.
6. Pericardium.
7. Heart.
8. Large vessels.

Note.—Observe the state of all the organs, and where no disease or injury is found write "healthy."

V.—Abdomen, &c.

1. Walls.
2. Peritoneum.
3. Mouth—
   Pharynx.
   Œsophagus.
4. Stomach and its contents.
5. Small intestines and contents.
6. Large intestines and contents.
7. Liver.
8. Spleen.
9. Kidneys.
10. Bladder.
11. Organs of generation—male.

Female Organs of Generation.

1. External organs—
   a. Development.
   b. Presence or absence of hymen.
2. Vagina—
   a. Appearance.
   b. Size.
   c. Injuries.
3. Uterus—
   a. Appearance.
   b. Size.
   c. Injuries.
4. Fallopian tubes.
5. Ovaries—
   a. Appearance.
   b. Size.

VI.—Muscles, Bones, and Joints.

1. Disease or deformity.
2. Injuries.
3. Fractures.
4. Dislocations.

VIII.—More detailed Description of Injury or Diseases.

Note.—The injured or diseased parts should be preserved in spirits, if possible.

IX.—Remarks by Civil Surgeon.

a.—Cause of death.
b.—Reasons for assigning the cause of death.

SPECIAL CASES.

1.—Poisoning.

1. Morbid appearances with indicated poisoning.
2. Class and nature of poison indicated.

3. *Post mortem* appearances observed which are not common in poisoning.
4. List of substances forwarded to Chemical Examiner.
5. Nature of vessel sent, and description of its seal.

2.—Wounds or Injuries.

1. Nature of injuries, description.
2. Inflicted before or after death.
3. Injuries how produced.
4. Foreign matter in wound.
5. Any disease present.
6. Cause of death.

3.—Strangulation.

1. External marks of violence.
2. Rope or article round neck.
3. Marks on neck.
4. Made before or after death.
5. Mark produced by what article.
6. Could the rope have supported the body.
7. Could the strangulation have been self-inflicted.

4.—Drowning.

1. External marks of violence.
2. Foreign bodies in the hands.
3. Foreign bodies in the mouth or air passages.
4. Water in the stomach.

5.—Rape, &c.

1. Number of days after alleged offence.
   Age of the prosecutrix.
   Past puberty or not.
4. Injuries inflicted—
   a. On the genital organs.
   b. On the body.
5. Hymen ruptured or not.
6. Apparent strength of prosecutrix.
7. Evidence of any venereal disease—
   a. On the woman.
   b. On the man.
8. Stained articles of clothing of prosecutrix and accused—
   a. Examination,—microscopic and otherwise.

6.—Abortion.

1. Marks of external violence.
2. Injuries—
   a. To vagina.
   b. To uterus.
3. Evidence of noxious drugs—
   a. In sexual organs.
   b. In stomach.
4. State of uterus.
5. Size and uterine age of fœtus.

7.—Infanticide.

1. Age of child—
   a. Extra-uterine; or,
   b. Intra-uterine.
2. Condition of lungs.
3. Condition of heart.
4. Umbilical cord.
5. Evidence of live birth.
6. Injuries—
   a. Description.
   b. Inflicted before or after death.
   c. By accident or intentionally.
7. Morbid appearance.
8. Cause of death.
9. Evidence of alleged mother having been recently delivered.
10. Approximate date of delivery.

CLERK OF THE COURT.

The following is the chief Circular issued by the Central Provinces Government on this official's duties :—

BOOK CIRCULAR IX OF 1869.

Instructions for District Clerks of Court.

The Clerk of Court must see that the subordinate Clerks attend office regularly. He must bring irregularity to the notice of the Deputy Commissioner.

No stricter rules on this head seem necessary. Registers of attendance are only needlessly burdensome.

At the opening of the Courts daily, the Clerk of Court will make a tour of them, and see that things are in order, ready for the proper reception of the presiding officer and the public, the Court officials in their places, the Court furniture clean and in place, &c., &c.

During the course of the day, the Clerk of Court will repeat his visits to the several Courts with like purpose. He will particularly see that the public have due access to the Courts, and are not unduly excluded by chuprasies, Police orderlies, &c., taking care at the same time to do nothing which may be contrary to the wishes of the presiding officer.

The Clerk of Court must be constantly on the alert to see that the several Court officials keep their registers and cause lists, &c., and perform their other duties with regularity, and according to prescribed methods. He should take frequent occasion to inspect their registers and their files of pending papers, and so render to the presiding officers of the Courts and the Deputy Commissioner full assistance in getting the work of the Courts properly and punctually performed. These inspections should be made, either before the presiding officers in Courts take their seats for the day or after the Courts rise, or during any available interval of current business in the course of the day.

Officers presiding in the Courts will, of course, supervise their subordinates as usual, but the Clerk of Court's supervision will be of an auxiliary kind.

The Clerk of the Court will pay particular attention to the subject of judicial statistics, seeing that the records of magisterial cases pass to the statistic-writer as soon as they are disposed of in the Courts, and that the Civil and Revenue cases also come in from the Courts punctually as prescribed. If any irregularity should occur, the Clerk of the Court should at once communicate with the amla of the irregular Court, and any continued irregularity should be brought properly to the Deputy Commissioner's notice for orders.

A form of reminder might be adopted for the Mofussil Courts.

The Nazir's registers should be inspected frequently.

This might perhaps be usefully amplified in regard especially to the Nazir's accounts and money transactions.

The Clerk of the Court will see that the record-keepers do their work properly, and that the record-rooms are always in an orderly, clean, and neatly-kept state.

The Clerk of Court will personally supervise the statistic-writer, seeing that he abstracts his statistics from the records he receives promptly, and passes the records on to the record-keepers without undue detention. In respect of the statistic-writer's registers, and the correctness of his figures, the Clerk of Court will remember that he is responsible for the correctness of the statistical returns, and he should accordingly regard the statistic-writer as his personal assistant for that end, and maintain a detailed supervision over him in the daily performance of his duty.

The Clerk of Court will see that papers issuing from the office or Courts for transmission to other destinations are properly put up in covers, properly addressed, securely closed, and generally issued in a careful and safe condition, and by a trustworthy messenger.

This may be made more specific with reference to the particular method adopted in each district.

Summonses, warrants, &c., are prepared in the several Courts, but they issue through the Nazir. The Clerk of Court should see that the Nazir issues them promptly and by proper means.

The Muzkoorees are with the Nazir, their strength has to be adapted to the work from time to time. This point should have the Clerk of the Court's careful attention. The Deputy Commissioner's orders should be taken upon it at least once every month.

The Clerk of the Court is responsible for everything in connection with the proper rendition of returns. He must, therefore, keep a complete check register of returns according to form A annexed.

If returns are not forthcoming with regularity and correctness, the Clerk of Court must place himself in communication with the responsible party, and also bring the matter to the notice of the Deputy Commissioner.

A form of communication might be usefully adopted.

The Clerk of Court will further keep a book of instructions relating to the preparation and rendition of returns, according to form B annexed.

The Clerk of Court will also see that those who are charged with the preparation of returns, are also in possession of the corresponding instructions for their preparation and rendition, and that they understand the instructions.

All stationery used in the Sudder Courts, and all printed or lithographed forms connected with the Court business will be indented for, or purchased by the Clerk of the Court, and such stores will be kept in his own charge, and issued as required under his supervision, due account being kept and rendered from time to time, as may be required to the Deputy Commissioner. The supply must never fall short; means must be taken to keep a supply of forms always in store. The Deputy Commissioner will hold the Clerk of Court strictly responsible that all indents from the several Courts for supplies of forms are fully and promptly complied with. In this matter of stationery and forms, the Clerk of Court should use the wasil-baqi-nuvees as his assistant. But the Clerk of Court should himself keep the keys of the store almirah, and maintain close supervision of the various transactions which his assistant may carry out under his orders. Care should especially be taken to keep the stationery and forms clean.

Forms in which the accounts are to be kept should be prescribed by each Deputy Commissioner.

Judicial contingent bills from the Mofussil Courts will be carefully checked by the Clerk of Court, and then submitted to the Deputy Commissioner by him.

The Clerk of Court will keep a complete list or catalogue of forms, for whose supply he is responsible, in forms C annexed.

The Clerk of Court will have been duly provided with an office-table, chair, &c., &c. He will arrange his position so as to be easily accessible to the public, he must endeavour to hold himself at all times ready to listen to all enquiries, and receive all references by people coming to the cutcherry, and to give suitable replies. He will be a general referee, and on the temper and patient civility with which he comports himself will, in a great degree, depend the comfort of the public who have business at Court.

The Clerk of Court will receive all petitions as long as his office is open during the day; and so far as his duty in connection with them is concerned, he will always endeavour to dispose of them at once.

It has sometimes been customary for the Clerk of Court to take petitions for only two or three hours during the day. But one of the chiefest objects of the Clerk of Court should be to be accessible to the public for the reception of petitions whenever a petitioner may resort to the cutcherry for the purpose of presenting a petition. There are only a very few things in a Clerk of Court's whole course of duty that ought not to give way to this object.

If any one desires particularly to present his petition with his own hands to the proper officer the Clerk of Court will not interfere, but generally all petitions will be brought to his office for preliminary examination, and the Clerk of Court's duty will be to receive these petitions, to see that they are in due form, on a proper stamp, couched in admissible terms, properly dated, signed and attested; to point out defects

to the petitioners, to listen to anything they may have to say regarding them, to make any notes on such points that may seem to be required, to return petitions that may be inadmissible, provided that the petitioners are satisfied with the Clerk of Court's decision thereon, or to transmit them to the proper officer empowered to dispose of them.

In thus dealing with petitions, the Clerk of Court must try and act in such a manner as shall make him appear to the public not in the light of an obstruction between them and the tribunal they seek, but rather as a useful help and adviser, by whom their business is facilitated and expedited.

The Clerk of Court will receive separate orders from time to time to guide him in the transmission of all petitions to the several officers empowered to dispose of them.

Defective petitions, whose presentation the petitioners nevertheless desire, will have the defects noted upon them by the Clerk of Court before transmission to the proper officer empowered to dispose of them.

Note.—A stamp might be usefully provided for stamping the date and the Clerk of Court's initials.

Petitions without defect will simply receive the Clerk of Court's initials, and the date of reception, before transmission.

Petitions received and examined while the proper officer empowered to dispose of them is still in office or Court, will be transmitted to him at once; otherwise they will be retained by the Clerk of Court until the opening of the Court next day. In either case the party presenting the petition will be fully instructed as to what has become of his petition, and what he should do, &c., &c.

Petition of plaint should before transmission to the Courts be dealt with as prescribed by Registrar to Judicial Commissioner's Circular No. 9 of 9th February 1869, para. 7—4; that is to say, flysheets of proceedings should be attached to them.

Petitions for copies of orders, judgments, and the like, by parties entitled under standing rules to receive them, may be ordinarily disposed of by the Clerk of Court without further reference; that is to say, he will simply initial and date the petition and pass it to the authorized copyist for preparation of the required copy, which, when ready, the Clerk of the Court will sign and make over to the applicant.

Note.—This instruction might be made more specific according to the system of copying in vogue in each district.

Applicants for copies should be instructed to come for their copies on a fixed day; this day should be fixed so as just to allow a reasonable period for the preparation.

Note.—A period might, perhaps, be specified here.

No registers* of petitions received by the Clerk of Court will be kept, but copyists must be made to keep a register of petitions for copies made over to their charge.

* *Note.*—Such a register has sometimes been introduced; but its use cannot nearly compensate its drawbacks. Such multiplied registry is against all modern methods. Proper rapidity and economy of system is incompatible with a multiplication of checks of a kind which are not likely to prove useful in more than an infinitisimal proportion of all the cases to which they are applied.

Petitions of a miscellaneous sort relating to matters whose bearings cannot be fully understood without reference to other papers, and regarding which the necessary preliminary information can be more readily collected by the Clerk of Court than by the Misilkhan of the officer empowered to dispose of the petitions should be dealt with by the Clerk of Court himself in so far as the collection of information is concerned, and not transmitted to the proper officer until they be in a fit state to receive an order "to the point."

Note.—A little practice will make the bearings of this instruction clearer than it now stands. Experience only can show where the lines should exactly be drawn.

The Clerk of Court may be entrusted with the opening of the daily vernacular dâks, and in that case he will deal with the contents on the same principle as with petitions.

Note.—Other methods may sometimes be found more convenient. Practice will show what is best; any how care must be taken by the Clerk of Court that opening the dâks does not delay the disposal of business.

Sometimes the entire proceedings connected with "Taameel Zillah Ghair," and even with some miscellaneous petitions, will be disposable by the Clerk of Court, in which case they will be disposed of by him without further reference.

Note.—The last note above applies here too.

As a rule, no reports or kyfeeyuts should be called for by the Clerk of Court from the Amla at the Sudder. Communication will be carried on personally, and only results written down when necessary.

The Clerk of Court will sometimes be called upon to translate letters and issue orders thereon, but only by the Deputy Commissioner.

Note.—The delegation of too much of this is to be discouraged. Any thing of immediate interest had best be dictated by the Deputy Commissioner himself: it is so easy for a delegate to miss the point.

Similarly the Clerk of Court will sometimes be called upon to translate the Deputy Commissioner's judgments; for others he will rarely have leisure.

Note.—The majority of judgments can be translated by the Judge in half the time (and better) than it would take the Clerk of Court to translate them—also more promptly.

Assistance too in various ways* will be asked for by the Deputy Commissioner from time to time at the hands of the Clerk of Court, but on such points due instructions will issue as each occasion arises.

Note.—* *e. g.*, Inspection of cases, the observance of the technical forms of law, &c., &c.

Forms referred to in the preceding instruction, Nos. XIII, XV, and XIX.

A.

Check Register of Periodical Returns to be submitted during 187 .

Name of Return.	To be submitted to	Dates Fixed			Received from Mofussil or Departmental Office.	Despatched.	Columns 6 and 7 to be repeated here as often as necessary for the year.
		For arrival from Mofussil or Departmental Office.	For despatch.	For arrival at destination.			
1	2	3	4	5	6	7	

This Check Register should be boarded and kept hung up opposite the Clerk of Court's ordinary seat in office.

B.

Register of Instructions relating to the Preparation and Rendition of Statements.

Date of instructions.	Date of receipt.	Office from which received.	Return regarding which instruction issued.	Substance of instructions issued.
1	2	3	4	5

This register will be kept in book form.

CRIMINAL.

General Forms.

Flysheet in original suits (English and Vernacular).
Ditto in appeal (English)
Charge Sheet (English and Vernacular).
Deposition of witnesses (ditto ditto).
Defence of accused (ditto ditto).
Sentence Sheet (ditto ditto).
Register B (Vernacular).
&c. &c. &c.

Processes.

Here will be entered all forms of Book Circular XI of 1868, and others of a like nature, which may be in use.

This list should be kept complete up to date.

COINERS.

Hints for detection of Coiners from a capture made at Dumoh.

Each coiner wore, under his ordinary loin cloth, a small lungotee, in which were several concealed pockets where the counterfeit coins were secreted. These would not be discovered upon an ordinary search. When worn, the pockets are situated between the thighs of the wearer, under the body, and pressed close against the person.

"He (one of the coiners) made a full confession, and volunteered to show me both the instruments used and the whole process of coining.

"In his bundle was a peculiar sort of clay, called Sonar's clay, used by them for making crucibles and moulds; this, when leisurely dried, is fire-proof.

"He mixed this into the consistence of stiff clay, and made two little pats, rather larger than a rupee, on one of which he placed the rupee, working it with his hands so as to secure a good impression and then put the other pat on the other side, going through the same process with his fingers. He then worked round the edge, until it was perfectly round, and about the thickness of four rupees. This he dried carefully in the fire from time to time, drawing a line through the centre edge-ways, for the purpose of parting the two halves when dry.

"As soon as dried and parted the rupee was taken out, and small hole, about the size of large pin's head, made on the edge of the mould, in which he inserted a fibre of the neem tree; he then closed the two halves again, adding more clay to bind them together, and round the neem fibre he made a mouth to run the lead in. As soon as it was ready, he took out the fibre and ran the lead in, removed the outer clay, and the rupee was complete, with the exception of the milling round the edges. This was carefully gone over with a small chisel, and the whole was then quicksilvered over.

"He also stated that as soon as the party have coined off a sufficient number, or as much as they require, they immediately break up the mould, making a fresh one from time to time as required. Tempering the clay is also a very nice process. They had a small smooth round stone, about six inches in diameter, and about half an inch thick, upon which they place the clay, and work it up with a small rolling-pin, about six inches long, and without this stone and rolling-pin they can do nothing. They had also a quantity of Sonar's tools (four of them being Sonars, one a Dhemur, and one a Shepherd, and not Bairagees, as they stated).

CONSTRUCTION OF PENAL AND CRIMINAL PROCEDURE CODES.

Every Judge of every rank, including all Magisterial Officers, whose duty it is to administer the law as contained in the Indian Penal Code, and the Code of Criminal Procedure, shall, from time to time, report to their official superiors any doubt which they may entertain as to any question of construction in connection with these Codes which may have arisen in the course of cases which have come before them.

All Subordinate Magistrates and other Officers invested with the powers of a Magistrate, shall submit these references to the Magistrate of the district, who will record his opinion and forward the reference to the Sessions Judge, who should in like

manner record his opinion and forward the correspondence with the record of the case in all references which are not obviously unreasonable, for the final orders of the Nizamut Adawlut.

References to be made in this form :—

Section of Code regarding which doubt is entertained.	Name of district and officer making reference, with rank.	Abstract of doubtful point.	Opinion of officer making reference.	Opinion of Magistrate of district.	Opinion of Sessions Judge.	Opinion of Court, and date and No. of letter.	Opinion of Court as to whether the case is such as requires notice to Legislature through Governments.	

So also C. O. VI of 1861, by which it is ordered that all references be made by Magistrates to the Sessions Judge of the district, who will either himself instruct the Magistrate as to the proper course to be pursued, or, if doubtful, refer the matter for the orders of the High Court.

CONTAGIOUS DISEASES' ACT.

ACT XIV OF 1868.

I. This Act may be cited as "The Indian Contagious Diseases' Act, 1868."

II. In this Act—

"Magistrate" means any person exercising the powers of a Magistrate or of a Subordinate Magistrate* of the first class, and includes a Magistrate of Police in a Presidency Town :

"Contagious disease" means any contagious venereal disease :

"Brothel-keeper" means the occupier of any house, room, or place to or in which women resort or are for the purpose of prostitution, and every person managing or assisting in the management of any such house, room, or place.

III. The places to which this Act applies shall be such places as the Local Government shall from time to time, with the previous sanction of the Governor-General of India in Council, specify by notification in the Official Gazette. The limits of such places shall, for the purposes of this Act, be such as are defined in the said notification, and may, from time to time, with such sanction as aforesaid, be altered by a like notification.

V. The Local Government shall make rules for the registration of common prostitutes and of brothel-keepers, and shall appoint officers for the conduct of such registration, and may, with the previous sanction of the Governor-General of India in Council, assign salaries and establishments to the said officers. The Local Government shall also provide such books and forms as may be necessary for the purposes of this Act.

Every woman complying with such rules (so far as they relate to prostitutes), and every brothel-keeper complying with such rules (so far as they relate to brothel-keepers), shall be deemed to be registered under this Act, and the registering officer shall furnish her or him with such evidence of registration as the Local Government shall from time to time direct.

* Now called Magistrate of the Second Class.

The name, age, caste (if any), and residence of every such woman, and such other particulars respecting her, as the Local Government shall from time to time direct, shall be entered in a book to be kept for that purpose.

The name and residence of every such brothel-keeper, and the situation of the house, room, or place in which he carries on his business, shall be entered in a book to be kept for that purpose.

Information of the class of officers for the time being, authorized to make requisitions under this section, shall be furnished to registered women and brothel-keeper, under such rules as the Local Government shall from time to time prescribe.

Provided that nothing in this or any other section of this Act shall exempt the offender from any penal or other consequences to which he may be liable for keeping or being concerned in keeping a brothel or disorderly house, or for the nuisance thereby occasioned.

IX. Every such brothel-keeper shall be legally bound to furnish information on any subject relating to his business to such officers, and in such manner and at such times as the Local Government shall from time to time prescribe in this behalf. Every such officer shall, for the purposes of this section, be deemed to be a public servant.

Examination of Prostitutes.

X. The Local Government shall have power to appoint persons to make periodical examinations of registered women in order to ascertain whether at the time of each such examination they are affected with contagious disease.

XI. For each of the places to which this Act applies, the Local Government may make rules consistent with this Act respecting the times and places of examination under this Act at that place, and generally respecting the arrangements for the conduct of those examinations and for recording the results thereof; and a copy of rules purporting to be rules under this section shall, if signed by a Secretary to such Government, be evidence of such rules for the purposes of this Act.

The Local Government may also require the persons making such examination to send in reports to such persons at such times and in such form as the Local Government shall from time to time prescribe.

PENALTY FOR DISOBEYING RULES.—*See* Schedule.

XII. The Local Government may from time to time provide any buildings or parts of buildings as hospitals for purposes of this Act.

Any building or part of a building so provided and certified in writing by a Secretary to the Local Government to be so provided shall be deemed a certified hospital under this Act.

Every certified hospital so provided shall be placed under the control and management of such persons as to the Local Goverment shall from time to time seem fit.

XIII. The Local Government shall make regulations for the inspection, management, and government of the hospitals as far as regards women authorized by this Act to be detained therein for medical treatment or being therein under medical treatment for a contagious disease.

A copy of regulations purporting to be regulations made under this section shall, if signed by a Secretary to such Government, be evidence of such regulations for the purposes of this Act.

XIV. Any woman registered under this Act shall, on receiving notice from any such officer as the Local Government shall from time to time appoint in this behalf, proceed to the certified hospital named in such notice, and place herself there for medical treatment.

If after the notice is delivered to her, she neglects or refuses to proceed to the said hospital within the time specified in the said notice, an officer of Police shall apprehend her and convey her with all practicable speed to such hospital, and place her there for medical treatment.

XV. Whenever any such woman affected with contagious disease places herself, or is placed as aforesaid in a certified hospital for medical treatment, she shall be

detained there for that purpose by such medical officer of the hospital as the Local Government shall from time to time appoint in this behalf until discharged by him by writing under his hand.

Medical treatment, lodging, clothing, and food shall be provided gratis for every such woman during her detention in the hospital.

XVI. Penalty for leaving hospital before discharge. See Schedule.

On the expiration of her term of imprisonment under this section, such woman shall be sent back from the prison to the certified hospital, and shall be detained there unless the medical officer of the prison at the time of her discharge from imprisonment certifies in writing that she is free from contagious disease (the proof of which certificate shall lie on her).

XVII. It shall be lawful for the Local Government to empower such surgeons or other persons as it shall from time to time appoint, to prescribe, by order to be served on any woman registered under this Act, who has not received a notice under section 14, the times and places at which she shall attend for medical treatment, and, if necessary, the medical treatment to which she shall submit.

XIX. During the interval between the service of such order upon any registered woman and the granting of such certificate, an allowance for her subsistence shall be provided of such amount and in such manner as the Local Government shall from time to time prescribe.

XX. In any place to which the Local Government shall, by notification in the Official Gazette, have specially extended this section, it shall be lawful for such officer as the Local Government shall from time to time appoint in this behalf, to cause a notice to be served on any registered woman, requiring her, after an interval of not less than seven days to be mentioned in the notice not to reside in any street or place therein specified.

XXI. The Local Government shall lay down rules prescribing a procedure in accordance with which any woman registered under this Act and desirous of ceasing to carry on the business of a common prostitute in the place at which she is registered, and of having her name removed from the said book, may have her name removed accordingly.

XXIII. In any proceeding under this Act, any notice, order, certificate, copy of regulations, or other document purporting to be signed by any person in the service of Government, or by any person whom the Local Government shall have, in exercise of the powers conferred on it by this Act, appointed to sign such document, shall, on production, be received in evidence, and shall be presumed to have been duly signed by the person and in the character by whom, and in which it purports to be signed, until the contrary is shown.

XXIV. Every notice and order required by this Act to be served on a woman shall be served by delivery thereof either to her personally or to some person for her at her usual place of abode.

XXV. Notice in writing of every such suit* and of the cause thereof shall be given to the intended defendant one month at least before the commencement of the suit.

The plaintiff shall not recover if tender of sufficient amends is made before suit, or if a sufficient sum of money is paid into Court after suit brought, by or on behalf of the defendant.

XXVI. The Local Government shall have power from time to time to declare by what officer anything directed to be done by this Act shall be done, and by what class of officers information regarding anything made an offence by this Act shall be exclusively furnished.

The Local Government may also from time to time make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement.

The Local Government may also from time to time alter and add to any rules or regulations made under this Act: Provided that such alterations and additions are not inconsistent with any of the provisions herein-before contained.

* A suit against any person for anything done in pursuance of this Act.

Schedule of Offences punishable under Act XIV of 1868.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
4	Any woman carrying on, in any place to which this Act applies, the business of a common prostitute, and any person carrying on the business of a brothel-keeper without being registered and having in his or her possession the evidence of such registration.		N. C.	S.	B.	Imprisonment* for a term not exceeding 1 month, or fine not exceeding Rs. 100, or both.	Magistrate of the second class.	* Of either description, See General Clause Act.
6	Prostitute changing her residence without giving notice to person and in manner directed by Local Government.	may from time to time appoint.	"	"	"	Imprisonment* not exceeding 14 days, or fine not exceeding Rs. 50, or both.	"	On notice being given, the necessary alterations and additions should be made in or to the book and evidence of registration furnished to him or her.
	Brothel-keeper changing residence, or acquiring or entering into occupation of house, room, or place other than that of which situation has been registered without giving notice to person and in manner directed by Local Government.		"	"	"	Imprisonment* not exceeding 1 month, or fine not exceeding Rs. 100, or both.		

7	Any registered woman or brothel-keeper, without reasonable excuse, neglecting or refusing to produce and show evidence of registration when so required by such officer as Local Government directs.	Only such officer as Local Government	"	"	"	Imprisonment* not exceeding 14 days, or fine not exceeding Rs. 50, or both.	"	"
8	Any brothel-keeper, whether registered under this Act or not, having reason to believe any woman to be a prostitute, and not registered under this Act, and inducing or suffering her to resort or be for the purpose of prostitution, to or in the house, room, or place in which he carries on his said business.		"	"	"	Imprisonment of either description not exceeding 6 months, or fine not exceeding Rs. 1,000, or both.	"	
11	Any person, not a medical officer, appointed to make examination, and any registered woman disobeying any rule made under this section.		"	"	"	Simple imprisonment not exceeding 1 month, or fine not exceeding Rs. 100, or both.	"	† If such woman quits the hospital without being discharged by the chief medical officer of the hospital, these offences under this section are cognizable.
16	Any woman, authorized by medical officer of certified hospital to be detained in such hospital for medical treatment, quitting the hospital without being discharged therefrom by the chief medical officer thereof,‡ or		"†	"	"	*If a first offence*, imprisonment of either kind not exceeding 1 month; *if a second or subsequent offence*, for a term not exceeding 3 months.	"	‡ The proof of this lies on her.

Schedule of Offences punishable under Act XIV of 1868.—(Concluded.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
	Any woman authorized by this Act to be detained in a certified hospital for medical treatment, or any woman being therein under medical treatment for a contagious disease, refusing or wilfully neglecting while therein to conform to regulations thereof approved under this Act.	Only such officer as Local Government may from time to time appoint.	N.*C.	S.	B.	*If a first offence*, imprisonment of either kind not exceeding 1 month; *if a second or subsequent offence*, for a term not exceeding 3 months.	.....	* If such woman quits the hospital without being discharged by the chief medical officer of the hospital, these offences under this section are cognizable.
17	Every prostitute registered under this Act disobeying or failing to comply with any order under section 14.		"	"	"	Imprisonment of ether description not exceeding 1 month, or fine not exceeding Rs. 100, or both.	Magistrate of the second class.	
18	Registered woman served with a notice under section 17 conducting herself as a common prostitute before the surgeon or person appointed under section 17, certifies* in writing that she is then free from a contagious disease.		"	"	"	Imprisonment of either kind not exceeding 6 months, or fine not exceeding Rs. 500, or both.	"	* The proof of this lies on her.
20	Any registered woman served with a notice under this section and disobeying the requisition thereof.		"	"	"	*First offence*, imprisonment of either description not exceeding 1 month; *for second or subsequent offence*, not exceeding 3 months.	"	

LOCK-HOSPITALS.

Act XXVI of 1868.

An Act to enable Municipalities to provide for Lock-Hospitals.

Power to Municipal Committees to devote funds to maintaining Lock-Hospitals, &c.

I. Notwithstanding anything contained in any Act of the Governor-General of India in Council, of the Governor of Madras in Council, of the Governor of Bombay in Council, of the Lieutenant-Governor of Bengal in Council, or in any other law for the time being in force,

it shall be lawful for every Municipal Corporation, Municipal Committee, or other body of persons duly appointed to conduct the affairs of a municipality in British India, to pay, with the previous sanction of the Local Government, out of the funds at their disposal,

towards the maintenance of the hospital provided under section 12 of Act No. XIV of 1868 *(for the prevention of certain contagious diseases)* within the limits of the place for which they are so appointed,

and towards defraying the cost of the medical treatment, lodging, clothing, and food of the women detained in such hospital, and of the allowance provided under section 19 of the same Act for the subsistence of prostitutes residing within the limits aforesaid,

such part as may from time to time be agreed on by and between the Corporation, Committee, or Body, and the Local Government, of the total cost of the said maintenance, treatment, lodging, clothing, food, and allowance as annually estimated by such Government.

Letter from the Deputy Secretary to the Government of India, Military Department, to the Controller of Military Accounts, No. 453, dated 8th March 1870.

2. *The issue of all orders to the Pay Department in respect to Lock-Hospitals shall be made through the Government of India.*

3. As respects your 2nd, 3rd, and 4th enquiries, *viz.:*—

2nd,—Whether the expenses should, in the first instance, be paid by the Cantonment Fund, or the Military Department.

3rd,—The proportion or limit of the expenses to be met from Imperial Funds.

4th,—The payment of all expenses to be borne by the Military Department to be paid by the Military Account Department Officers only.

Reply.—The whole charge should be borne by Cantonment Funds: when, however, these funds are incapable of defraying the charge wholly or in part, the entire cost, or the balance left in excess of the contribution by the Cantonment Fund, will be a charge upon the Government in the Military Department, all payments being, as a rule, made in the first instance by the local authorities, the management of the hospital being left in their hands. On its being shown that the Cantonment Funds are unable to bear permanently either the whole or any portion of the charge, the monthly deficit should be reimbursed on presentation of a bill to the Circle Paymaster. In order that due provision may be made in the budget-estimate for the year, the probable sum to be paid by the Cantonment Fund, and the portion recoverable from the Circle Paymaster, should be considered annually in the office of the Quarter-master-General, the necessary information being afforded under the orders of the Commander-in-Chief to the Controller of Military Accounts.

Report on Lock-Hospitals.

I. The Medical Officer in charge of Lock-Hospital should, after drawing up his report, transmit it to the Cantonment Committee.

II. The Cantonment Committee should then forward the report to the District Officer, who will transmit it to the Commissioner of the Division for submission to the Local Government or Administration.

2. The report in question should be considered by the various authorities through whose hands they are to pass, and should finally be reviewed by the Local Governments and Administrations severally concerned—*Govt. of India, H. D.*, 4951 of 1870.

COURT FEES' ACT.

Act VII of 1870.

Fees on documents filed, &c., in Mofussil Courts or in public offices.

6. Except in the Courts* hereinbefore mentioned, no document of any of the kinds specified as chargeable in the first or second schedule to this Act annexed shall be filed, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer, unless in respect of such document there be paid a fee of an amount not less than that indicated by either of the said schedules as the proper fee for such document.

Written examinations of complainants.

18. When the first or only examination of a person who complains of the offence of wrongful confinement, or of wrongful restraint, or of any offence other than an offence for which police officers may arrest without a warrant, and who has not already presented a petition on which a fee has been levied under this Act, is reduced to writing under the provisions of the Code of Criminal Procedure, the complainant shall pay a fee of eight annas, unless the Court thinks fit to remit such payment.

Exemption of certain documents.

19. Nothing contained in this Act shall render the following documents chargeable with any fee:—

i. Power-of-attorney to institute or defend a suit when executed by an officer, warrant-officer, non-commissioned officer or private of Her Majesty's army not in civil employment.

ii. Declarations mentioned in section one hundred and eighteen and section one hundred and sixty-four of the Code of Civil Procedure.

iii. Written statements called for by the Court after the first hearing of a suit.

iv. Plaint presented to a Military Court of Requests and petition for execution of a decree of such Court.

viii. Probate of a will, letters of administration, and certificate mentioned in the first schedule to this Act annexed, No. twelve, where the amount or value of the property in respect of which the probate or letters or certificate shall be granted does not exceed one thousand rupees.

ix. Application or petition to a Collector or other officer making a settlement of land-revenue, or to a Board of Revenue, or a Commissioner of Revenue, relating to matters connected with the assessment of land, or the ascertainment of rights thereto or interests therein, if presented previous to the final confirmation of such settlement.

x. Application relating to a supply for irrigation of water belonging to Government.

xi. Application for leave to extend cultivation, or to relinquish land, when presented to an officer of land-revenue by a person holding, under direct engagement with Government, land of which the revenue is settled, but not permanently.

xii. Application for service of notice of relinquishment of land or of enhancement of rent.

xiii. Written authority to an agent to distrain.

xiv. First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court.

xv. Bail-bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.

xvii. Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.

* High Courts and Courts of Small Causes at Presidency Towns.

LIBRARY

xviii. Complaint of a public servant (as defined in the Indian Penal Code), a municipal officer, or an officer or servant of a Railway Company.

xix. Application for permission to cut timber in Government forests, or otherwise relating to such forests.

xx. Application for the payment of money due by Government to the applicant.

xxi. Petition of appeal against the chaukidárí assessment under Act No. XX of 1856, or against any municipal tax.

xxii. Applications for compensation under any law for the time being in force relating to the acquisition of property for public purposes.

xxiii. Petitions presented to the Special Commissioner appointed under Bengal Act No II of 1869 (*to ascertain, regulate, and record certain tenures in Chota Nagpore*).

xxiv. Petitions under the Indian Christian Marriage Act, 1872, Sections 45 and 48.

CHAPTER IV.

Process Fees.

Rules as to costs of processes.

20. The High Court shall, as soon as may be, make rules as to the following matters:—

i. the fees chargeable for serving and executing processes issued by such Court in its appellate jurisdiction, and by the other Civil and Revenue Courts established within the local limits of such jurisdiction:

ii. the fees chargeable for serving and executing processes issued by the Criminal Courts established within such limits in the case of offences other than offences for which Police officers may arrest without a warrant; and

iii. the remuneration of the peons and all other persons employed by leave of a Court in the service or execution of processes.

The High Court may from time to time alter and add to the rules so made.

(See notes at the end of this Act.)

Confirmation and publication of rules.

All such rules, alterations and additions shall, after being confirmed by the Local Government, and sanctioned by the Governor-General of India in Council, be published in the local official Gazette, and shall thereupon have the force of law.

Until such rules shall be so made and published, the fees now leviable for serving and executing processes shall continue to be levied, and shall be deemed to be fees leviable under this Act.

Tables of process-fees.

21. A Table in the English and Vernacular languages, showing the fees chargeable for such service and execution, shall be exposed to view in a conspicuous part of each Court.

Number of peons in District and Subordinate Courts.

22. Subject to rules to be made by the High Court and approved by the Local Government and the Governor-General of India in Council,

every District Judge and every Magistrate of a District shall fix, and may from time to time alter, the number of peons necessary to be employed for the service and execution of processes issued out of his Court and each of the Courts subordinate thereto.

Process served under this chapter to be held process served under Civil Procedure Code.

24. Every process served or executed under this chapter shall be held to be a process within the meaning of section one hundred and eighty-eight of the Code of Civil Procedure, and of section two of Act No. XXIII of 1861 (*to amend Act VIII of* 1859).

CHAPTER V.

Of the Mode of levying Fees.

Collection of fees by stamps.

25. All fees referred to in section three or chargeable under this Act shall be collected by stamps.

26. The stamps used to denote any fee chargeable under this Act shall be impressed, or adhesive or partly impressed and partly adhesive as the Governor-General in India in Council may, by notification in the *Gazette of India*, from time to time direct (*a*).

Stamps to be impressed or adhesive.

(*a*) No. 106, dated the 22nd April 1870.

NOTIFICATION—*By the Government of India, Financial Department.*

Under the provisions of Section 26 of the Court Fees Act, No. VII of 1870, the Governor-General in Council directs that the fees referred to in Section 3 of the above-mentioned Act may be denoted by adhesive stamps of the same kind as hitherto have been in use in the Courts therein mentioned.

No. 1756, dated 8th March 1872.

NOTIFICATION—*By the Government of India, Financial Department.*

In the exercise of the power conferred by Section 26 of the Court Fees Act of 1870 (Act No. VII) and of all other powers enabling him on this behalf, the Governor-General in Council is pleased to cancel notification by the Government of India, Financial Department, No. 1865, dated 15th March, 1870, and to issue the following directions:—

1. The stamps used to denote any fee chargeable under the said Act, may be either impressed or adhesive, or partly impressed and partly adhesive.

2. When the exact amount of the fee chargeable under the Act can be denoted by a single impressed or a single adhesive stamp, such fee shall be denoted by a single stamp of either sort.

When the amount of the fee cannot be denoted by a single impressed or a single adhesive stamp, the next lower impressed or adhesive stamp shall be used, and the deficiency made up by one or more additional stamps, which may be either impressed or adhesive.

3. The impressed stamps referred to in this notification are the red and black printed stamps, and the adhesive stamps are those across which the words Court Fees have been printed.

4. Should the amount of the fee in any case involve a fraction of an anna, such fraction shall be remitted.

5. The provisions of this notification shall for the present extend only to the Hyderabad Assigned Districts and to the territories under the Lieutenant-Governor of Bengal, the Chief Commissioner of Oudh, and the Chief Commissioner of the Central Provinces, respectively.

This extended to the N. W. P. and Panjab (No. 2845 of 1872).

On this the Calcutta High Court issued their Circular No. 22 of 1872.

The Court have reason to believe that on the present stock of impressed stamps being exhausted, the exclusive use of adhesive stamps for the above purpose will be enjoined. It is important therefore to provide against stamps of the latter description being affixed to documents written on paper unfitted for the purposes of record. It will also be convenient that the component parts of a record should be, as far as possible, of one uniform size.

2. The Government of India have approved of a description of paper, which appears well calculated to answer the purpose intended, being supplied to the vendors of Court Fees Stamps for sale to the public at one pice per sheet. The size of this paper is 13½-in. long by 8½-in. wide, and samples can be obtained on application to the Superintendent of Stationery.

3. It may be a question whether Judicial and Magisterial Officers could refuse to receive an application or a petition merely because it was not written upon paper of a particular size or description, provided that it was of a kind sufficiently durable to be adapted for record; but they clearly would be justified in refusing permission to the filing of a document written upon paper obviously unfitted for this purpose. If due notice be given that such a discretion will be exercised whenever necessary, and at the same time that paper of an approved quality can be obtained from the stamp vendor attached to each Court, it is not likely that the public will refuse to make use of it.

4. The Court direct therefore that all Judges, Judicial Commissioners, and Magistrates of Districts, will have a notice to the above effect put up in some conspicuous place in their Courts, and that they will instruct their respective subordinates to do so likewise. The price at which this paper will be sold should be mentioned in the notices above referred to. The Superintendent of Stationery should also be communicated with through the Collector of the District as to the quantity of paper that will be required, which, at the outset, will probably not be large. This, however, will mainly depend upon the stock of impressed stamp paper in each district, and on this point the Court have no information.

The Court which realizes the fee should take credit for it in the register kept by it—*G. I. F. D., No.* 3362 *of* 1870.

Lower Bengal Notification of 1*st July*, 1872.

1. When the exact amount of any fee chargeable under the said Act can be denoted by a single stamp, such fee shall be denoted by a single stamp, unless the Collector of the District certify that such stamp is not in stock. In this latter case those stamps are to be used of which the fewest number will make up the necessary amount.

2. When the amount of the fee cannot be denoted by a single stamp, the next lower stamp shall be used, and the deficiency made up by one or more additional stamps of such value that the fewest possible number of stamps will make up the necessary amount.

This rule is, I believe, universal; at any rate it obtains in the North-Western Provinces.

Rules for supply, number, renewal and keeping accounts of stamps.

27. The Local Government may, from time to time, make rules for regulating—

(*a*) the supply of stamps to be used under this Act,

(*b*) the number of stamps to be used for denoting any fee chargeable under this Act,

(*c*) the renewal of damaged or spoiled stamps, and

(*d*) the keeping accounts of all stamps used under this Act:

Provided that, in the case of stamps used under section three in a High Court, such rules shall be made with the concurrence of the Chief Justice of such Court.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

See notes on preceding section.

28. No document which ought to bear a stamp under this Act shall be of any validity, unless and until it is properly stamped.

But if any such document is through mistake or inadvertence received, filed or used in any Court or office without being properly stamped, the presiding Judge or the head of the office, as the case may be, or, in the case of a High Court, any Judge of such Court, may, if he thinks fit, order that such document be stamped as he may direct; and on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

29. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

30. No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

Such officer as the Court or the head of the office may from time to time appoint shall, on receiving any such document, forthwith effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed (*a*).

(*a*) The labels affixed to documents *issued* by Courts and liable to a fee under the Act, to be cancelled *at the time that they are affixed.—G. I. F. D., No.* 3362 *of* 1870.

CHAPTER VI.

MISCELLANEOUS.

31. i. Whenever an application or petition containing a complaint or charge of an offence, other than an offence for which Police officers may arrest without warrant, is presented to a Criminal Court, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay to the complainant the fee paid on such application or petition.

ii. In the case mentioned in section eighteen, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay to the complainant the fee, if any, paid by the latter for the examination.

iii. When the complainant has paid fees for serving processes in either of the cases mentioned in the first and second paragraphs of this section, the Court, if it convict the accused person, shall, in addition to the penalty imposed upon him, order him to repay such fees to the complainant.

iv. All fees ordered to be repaid under this section may be recovered as if they were fines imposed by the Court.

33. Whenever the filing or exhibition in a Criminal Court of a document in respect of which the proper fee has not been paid is, in the opinion of the presiding Judge, necessary to prevent a failure of justice, nothing contained in section four or section six shall be deemed to prohibit such filing or exhibition.

34. In the General Stamp Act, 1869, section forty-eight shall be read as if, for the words and figures 'Act No. XXVI of 1867 (*to amend the law relating to Stamp Duties*),' the words and figures 'The Court Fees Act, 1870,' were substituted.

35. The Governor-General of India in Council may, from time to time, by notification in the *Gazette of India*, reduce or remit, in the whole or in any part of British India, all or any of the fees mentioned in the first and second schedules to this Act annexed,

and may in like manner cancel or vary such order (*n*).

(*n*). By order No. 47 of 1871, the fees with which bonds and other instruments executed by salaried officers of Government for the due performance of their duties, were chargeable are remitted.

By order No. 1683 of 1870, the Governor-General in Council pleased to remit the fees chargeable under that Act in respect of copies of final sentences or orders which prisoners desirous of appealing therefrom are required by the Code of Criminal Procedure to file with their petition of appeal.

No. 1906 *of* 1872.—Also the fees chargeable on copies of settlement records furnished to landholders and cultivators, but not certified by the signature of any public officer to be true copies.

Nothing in this notification applies to copies of judicial proceedings.

No. 71 *of* 1870, *N. W. P.*—Court Fees stamps to be sold by none but Government paid officials. Stamps up to a rupee in value to be sold in the camp of each judicial officer on tour by some official on the ordinary staff of such officer. On presentation of any document required to be stamped by this Act, or the furnishing any such document, the adhesive stamp or stamps affixed shall immediately be defaced. The official entrusted with sale of stamps in a camp shall keep up a daily book of the sales during each day and of the balance in hand at the close of it, and at the end of each month he shall for vard to the Treasury officer an abstract Memo. of the sales during the month and of the balance in hand at the close of it.

SCHEDULE I.

Ad valorem Fees.

Number.		Proper Fee.
6. Copy or translation of a judgment or order not being, or having the force of, a decree.	When such judgment or order is passed by any Civil Court other than a High Court, or by the presiding officer of any Revenue Court or office, or by any other Judicial or Executive Authority—	
	(*a*).—If the amount or value of the subject-matter is fifty, or less than fifty rupees ...	Four annas.
	(*b*).—If such amount or value exceeds fifty rupees ...	Eight annas.
	When such judgment or order is passed by a High Court ...	One rupee.

SCHEDULE I.—*(Continued.)*

Ad valorem Fees.

NUMBER.		PROPER FEE.
7. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than a High Court, or by any Revenue Court—	
	(*a*).—If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees ...	Eight annas.
	(*b*).—If such amount or value exceeds fifty rupees ...	One rupee.
	When such decree or order is made by a High Court	Four rupees.
8. Copy of any document liable to stamp-duty under the General Stamp Act, 1869, when left by any party to a suit or proceeding in place of the original withdrawn.	(*a*).—When the stamp-duty chargeable on the original does not exceed eight annas ...	The amount of the duty chargeable on the original.
	(*b*).—In any other case ...	Eight annas.
9. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or office, or from the office of any chief officer charged with the executive administration of a Division.	For every three hundred and sixty words, or fraction of three hundred and sixty words ...	Eight annas.
10. Certificate of administration granted under Act No. XL of 1858 (*for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal*).	If the amount or value of the property in respect to which such certificate is granted does not exceed five hundred rupees ...	Five rupees.
	If such amount or value exceeds five hundred rupees, but not one thousand rupees ...	Ten rupees.
	And for every one thousand rupees, or part thereof, in excess of one thousand rupees ...	Five rupees.

SCHEDULE I.—*(Concluded.)*

Ad valorem Fees.

NUMBER.		PROPER FEE.
11. Probate of a will or letters of administration with or without will annexed.	If the amount or value of the property in respect of which the probate or letters or certificate shall be granted exceeds one thousand rupees ...	Two per centum on such amount or value.

SCHEDULE II.

Fixed Fees.

NUMBER.		PROPER FEE.
1. Application or petition	(*a*).—When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings; or when presented to any officer of Land Revenue by any person holding temporarily-settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement; or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;	One anna.

SCHEDULE II.—*(Continued.)*

Fixed Fees.

NUMBER.		PROPER FEE.
1. Application or petition.—*(Continued.)* ...	or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Cantonment Magistrate sitting as a Court of Civil Judicature under Act No. III of 1859, or to any Court of Small Causes constituted under Act No. XI of 1865, or under Act No. XVI of 1868, section twenty, or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees; or when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or Office.	One anna.
	(*b*).—When containing a complaint or charge of any offence other than an offence for which Police officers may, under the Criminal Procedure Code, arrest without warrant, and presented to any Criminal Court; or when presented to a Civil, Criminal, or Revenue Court, or to a Collector, or any Revenue officer having jurisdiction equal or subordinate to a Collector, or to	Eight annas.

SCHEDULE II.—*(Continued.)*

Fixed Fees.

Number.		Proper Fee.
1. Application or petition.—*(Concluded.)* ...	any Magistrate in his executive capacity, and not otherwise provided for by this Act; or to deposit in Court revenue or rent; or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.	Eight annas.
	(*c*).—When presented to a Chief Commissioner or other chief controlling revenue or executive authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a Division and not otherwise provided for by this Act ...	One rupee.
	(*d*).—When presented to a High Court ...	Two rupees.
2. Application for leave to sue as a pauper...	... ...	Eight annas.
3. Application for leave to appeal as a pauper.	(*a*).—When presented to a District Court ...	One rupee.
	(*b*).—When presented to a Commissioner or a High Court	Two rupees.
4. Plaint or memorandum of appeal in a suit to obtain possession under Act No. XVI of 1838. 5. Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.	... ...	Eight annas.

SCHEDULE II.—*(Continued.)*

Fixed Fees.

NUMBER.		PROPER FEE.
6. Bail-bond or other instrument of obligation not otherwise provided for by this Act, when given by the direction of any Court or executive authority. 7. Undertaking under section forty-nine of the Indian Divorce Act. 8. Petition of objection to assessment under the Indian Income-Tax Act.	... ...	Eight annas.*
9. Petition of appeal under the Indian Income-Tax Act, section twenty-one ...	.. ..	One rupee.
10. Mukhtárnáma or Wakálatnáma ...	When presented for the conduct of any one case—	
	(*a*)—to any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other executive officer, except such as are mentioned in clauses (*b*) and (*c*) of this Number ...	Eight annas.
	(*b*)—to a Commissioner of Revenue, Circuit or Customs, or to any officer charged with the executive administration of a Division, not being the chief revenue or executive authority	One rupee.
	(*c*)—to a High Court, Chief Commissioner, Board of Revenue, or other chief controlling revenue or executive authority ...	Two rupees.

* See note on section 35.

SCHEDULE II.—*(Continued.)*

Fixed Fees.

NUMBER.		PROPER FEE.
11. Memorandum of appeal when the appeal is not from an order rejecting a plaint or from a decree or an order having the force of a decree, and is presented—	(*a*)—to any Civil Court other than a High Court, or to any Revenue Court or executive officer other than the High Court or chief controlling revenue or executive authority ..	Eight annas.
	(*b*)—to a High Court or Chief Commissioner, or other chief controlling executive or revenue authority ..	Two rupees.
12. Caveat ...		
13. Application under Act No. X of 1859, section twenty-six, or Bengal Act No. VI of 1862, section nine, or Bengal Act No. VIII of 1869, section thirty-seven.	... ...	Five rupees.
14. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866.		
15. Plaint or memorandum of appeal in a suit to obtain possession of a wife.		
16. Administration-bond ...	.. ..	Eight rupees.
17. Plaint or memorandum of appeal in each of the following suits:— i. to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court: ii. to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates:	... ...	Ten rupees.

SCHEDULE II.—*(Concluded.)*

Fixed Fees.

NUMBER.		PROPER FEE.
iii. to obtain a declaratory decree where no consequential relief is prayed:		
iv. to set aside an award:		
v. to set aside an adoption:		
vi. every other suit where it is not possible to estimate at a money-value the subject-matter in dispute, and which is not otherwise provided for by this Act ...	... ...	Ten rupees.
18. Application under section three hundred and twenty-six of the Code of Civil Procedure ...		
19. Agreement under section three hundred and twenty-eight of the same Code ...		
20. Every petition under the Indian Divorce Act, except petitions under section forty-four of the same Act, and every memorandum of appeal under section fifty-five of the same Act ...	... ...	Twenty rupees.
21. Plaint or memorandum of appeal under the Pársi Marriage and Divorce Act, 1865 ...		

COURT INSPECTOR.

In the Panjab, Court Inspectors, save on emergency, not to be transferred without the concurrence of the Deputy Commissioner. If Deputy Commissioner objects to a transfer, it shall be held in abeyance pending a réference through Deputy Inspector-General for order of Local Government.

N. B.—Emergency includes a Court Inspector applying for leave and entitled to it. If Deputy Inspector-General considers necessary, his place may be supplied by a transfer; so also on death, conviction, discharge or dismissal of a Court Inspector. (C. 41 of 1872.)

COURTS OF VAKEELS.

A full account of these will be found in the *Punjab Government Gazette* of December 1870, but so rarely do they or their rules impinge upon the work of Deputy Commissioner as Magistrate, that it has not been thought expedient to reproduce the rules affecting them here.

These Courts sit at Ajmere, Aboo, Oodeypur, Jaipúr, and Deolee. They deal with offences committed in foreign jurisdiction as provided by extradition.

IV.—The British Districts of Ajmere and Mhairwara are under the same responsibility to these Courts in interjurisdictional questions as the other States of Rajpootana. In cases in which subjects of these districts are concerned, the Deputy Commissioner or his Assistant takes his seat in Court and votes as the representative of the British Government.

Extract from a letter from the Agent to the Governor-General in Rajpootana (No. 49J), under date the 12th April 1870.

Para. 8.—There is another subject connected with this Code, which I submit for consideration. In Article III of the treaties which have been lately negociated with the States of Rajpootana for the extradition of offenders, it is stated that, "as a general rule, such cases will be tried by the Court of the Political Agent, in whom the political supervision of the State may be invested." A case has arisen in which a Political Agent desired the rendition of an offender under this article of the treaty for trial before the Court of Vakeels over which he presided. The Magistrate objected that this Court was nowhere alluded to by Government, or acknowledged in the treaties.

9. It is obviously good policy to encourage and promote the action of these Courts. Their extension indeed, in my opinion, is the one hope that exists that the Native States will be able to maintain their separate jurisdiction in the midst of our empire. A perusal of the Code now submitted will, I think, convince His Excellency in Council that the measure of supervision exercised by British Officers is sufficient to secure a rude justice adopted to the state of the country, and I believe it might safely be ruled that the Court of Vakeels of each agency should be considered the Court of the Political Agent as regards the extradition treaties in all cases where he presides personally.

CRIMINAL INSANITY.

Every person at the age of discretion is, unless the contrary be proved, presumed by the law to be "*compos mentis*" and to be accountable for his actions; in other words, it is the reason of man which makes him accountable for his actions, while

the deprivation of reason acquits him of crime. For crime in our law isonly punished as being voluntary, intentional, and malicious: it is not enough for conviction that the commission of the act be admitted, for then would numberless innocent acts which bear a supposititious resemblance to crime be punished as criminal. Given the admission that an act of this nature has been committed, the whole question of criminality will hang on the question—"Is will, intention, and malice present or absent?" If the answer proves that any one of these three was not present, crime is disproved. It behoves us then to see how far the proof that a man is mad affects the ordinary presumption that the above-mentioned trio or some one of them is present and controlling the actions of every criminal. This brings us to the root of the whole matter, what is meant by "madness?" The question is of itself difficult to answer, but its difficulty has been enhanced tenfold owing to the different aspect in which it is looked at by lawyers and physicians. The former regard the effects rather than the cause, while the latter reverse this process, and look at the disease itself, not the conduct which the disease may induce. Thus a man may be medically insane, but legally sane; while the reverse of this theory is hardly possible.

Mr. Stephens describes legal sanity by a series of steps. He starts with the principle that there are some settled points relating to human conduct which admit of no doubt at all and which are assumed as the basis both of the administration of justice and of the transaction of all human affairs. One of these is that there is a normal state, in which all human creatures act on the same principles, and that the infinite variety of conduct they display in that normal state arises from the different manner in which each of them applies these principles to facts, and in which the facts themselves are apprehended. All men shun pain—this is their normal state; but some are much, others hardly, affected by the prospect of future pain. So, again, all men may be presumed to possess a certain degree of knowledge by which their conduct is affected. When men act in this normal manner, when they are acquainted with the circumstances with which they are surrounded, when they have objects in view in their actions and regulate their conduct with reference to them and the general considerations which affect matters of that class, it may be predicated of them that they are sane. Sanity thus involves the presence of intention and will on all ordinary occasions, and an act done by a sane man when that act is one forbidden by law is rightly presumed to have been done with malice, and therefore to be a crime punishable by law.

There is one error which is sometimes fallen into, and which has, perhaps, not been sufficiently guarded against in the above explanations. Sanity has been shown legally to be a question of conduct. The resemblance of conduct to that of other men is not necessarily devoid of legal sanity, because it is generic and not specific. An act may be accompanied with ever so much ignorance, vice, or folly, and yet be legally sane. If ordinary motives are present, means adapted to the end and the like, the act is no longer one done without will, intention, or malice; and however incomprehensible or unnatural, it is still an act done by a legally sane man. Motive is a false standard by which to judge sanity or insanity, for the maddest act is not devoid of a motive: we must go further back than this, and judge the knowledge that co-existed with the motive: it is this which stamps a motive as mad or sane.

Motive presumes will and intention, and this reduces our question into narrower limits:—how far does the proof that a man is mad rebut the presumption of malice? To answer this we must first know what malice is.

"In the legal acceptation of the word, malice is not confined to personal spite against individuals, but consists in a conscious violation of the law to the prejudice of another." (Campbell, C.J.) If it can be proved that a person who did the act *could not know* that the act he did was wrong, it will be impossible for one moment to impute to him malice. The question, "could he know that his act was wrong," is better than the question "did he know that the act was wrong," for the latter would lead us into another "ignorance of the law." The fact that a man does know a criminal act to be condemned is generally inferred from his possession of the ordinary means of knowledge by such mental power, composure and information as are necessary to

enable him to understand the meaning of common propositions and the immediate and ordinary consequences of actions. If he has these qualities, he is no longer insane, and the issues of the case are quite new. If a man *could* know, he must be treated as sane if not an insane.

It is often difficult from the evidence adduced to decide whether a man could or could not know that he was doing what was wrong, more especially when the plea raised is not that of total, but that of partial insanity or of delusion.

Partial insanity is the more important of the two. In Mr. Stephens's opinion, it does not differ for legal purposes from the existence of insane delusions on particular subjects, which leave the thoughts unaffected on other subjects. "How does the existence of such a disease," says he, affect the criminality of a given act? It may do so in two ways. In the first place, "it may be evidence to disprove the presence of the kind of malice required by the law to constitute the particular crime of which the prisoner is accused. A man is tried for wounding with intent to murder. It is proved that he inflicted the wound under a delusion that he was *breaking a jar?* The intent to murder is disproved, and the prisoner must be acquitted, but if he (*would have*) no right to break the supposed jar, he might be convicted of an unlawful and malicious wounding. Wrongfully to break a jar is a malicious act; and if a man wounds another in so doing, he wounds him unlawfully and maliciously. In other words, the delusion must, for the purposes of the trial, be taken to be true."

"This, however, is a rare and comparatively unimportant application of the existence of partial insanity or insane delusion. Its great importance is that it is evidence to show that the prisoner's mind was so disturbed that he did not know that the act was wrong, that he could not form a reasonable judgment on it. The application of this evidence to particular facts is a matter of the greatest nicety. Illustrations show this better than generalities. A professional highway robber shoots a man and robs him, buries the body in a ditch, disguises and hides himself, and flies from justice. It is proved that he had an insane delusion, that his little finger had five joints in it. If the evidence stopped there, it would afford as little excuse as if he had mistaken his victim's name, yet it would prove a clear case of the co-existence of insane delusion and criminal responsibility. The concealment and flight would be strong evidence to show that he knew the act was wrong. If he waited to commit the murder till no one was by, it would be strong evidence that he could have helped doing it at all, besides, the course of the man's life, which could probably be given in evidence on such an occasion, would go far to show that the act was sane and malicious."

"Circumstances, however, might exist, which would convert the delusion specified into strong evidence against malice. Suppose it came on after some violent disease, and was accompanied by great extravagance of conduct, and by other circumstances tending to show that the person accused had committed the acts in question not with any knowledge of their character, but because before he went mad he led a life of crime, and was thus led to violence and plunder by old associations,—this would be strong evidence against the existence of malice. By supposing new facts on the one side or the other, any degree of difficulty may be introduced into the decision of particular cases, though the question to be decided remains unaltered."

Will and intention may be present, and a man not have the power to control them. How far is he to be held responsible for what he could not help? This will lead us to consider, 1st, Impulsive insanity; and 2nd, *Dementia affectata*, a perfect though temporary frenzy or insanity voluntarily contracted.

Impulsive Insanity.

"It is said that on particular occasions men are seized with irrational and irresistible impulses to kill, to steal, or to burn, and that under the influence of such impulses they sometimes commit acts which would otherwise be most atrocious crimes. The only question which the existence of such impulses can raise in the administration of criminal justice is, whether the particular impulse in question was irresistible as well

as unresisted. If it were irresistible, the person accused is entitled to be acquitted, because the act was not voluntary and was not properly his act; if the impulse was resistible, the fact that it proceeded from disease is no excuse at all. If a man's nerves were so irritated by a baby's crying that he instantly killed it, his act would be murder. It would not be less murder if the same irritation and the corresponding desire were produced by some internal disease. The great object of the Criminal Law is to induce people to control their impulses, and there is no reason why, if they can, they should not control insane impulses as well as sane ones. The proof that an impulse was irresistible depends principally on the circumstances of the particular case. The commonest, and probably the strongest cases, are those of women who, without motive or concealment, kill their children after recovery from child-bed."

The most striking illustration of impulsive insanity in India is that of running "a-muck" ("amok"), and is thus commented upon by Dr. Chevers in his work on Medical Jurisprudence:—

"On the 22nd September 1857, Moung-Wot-Kai seized a *dâo*, killed four persons, and wounded four others, one of whom subsequently died. The prosecutor said that the prisoner was a good man until he lost his wife; that since last August he had appeared not sane, but never quarrelled with any person. Those whom he attacked were the family in whose house he lived. The woman of the house, his own sister, who was one of the sufferers and died in hospital, said that they had had no quarrel: he had no reason for doing what he did. She said he had been ailing for two or three months, and was silly: nevertheless, she said he did his work well, the same as the others. The Civil Surgeon had excellent opportunities of examining and watching the prisoner, who had no fits of insanity. He had every reason to consider him sane though a low animal of morose disposition, and that he had run "a-muck" which Mughs, like Malays, frequently do. In his confession to the Magistrate, the prisoner said he was suddenly seized with a frenzy when he first cut "Kia-oung" and his sister; that he then went out flourishing his sword, or *dâo*, and wounded the others. The doing this he said gave him pleasure. He said he had been ailing, and must have been mad. No evidence of a quarrel or cause for this crime could be adduced."

"The Judges of the Court of Nizamut Adawlut remark as follows:—Mr. D. J. Money.—"The charges against the prisoner are clearly established upon the fullest and strongest evidence. He has been found guilty of the wilful murder of four persons, and of wounding as many more with intent to murder. The case is a horrible one. The prisoner ran-a-muck, as it is called, under the possession of something like a satanic influence. He says himself he was seized with a frenzy, and the atrocious act gave him pleasure; that he had been ailing, and must have been mad. There was no motive for the murders. He acted upon a sudden, and, from his own account, an irresistible impulse. The case is rendered difficult by the opinion pronounced by the Civil Surgeon regarding the prisoner's mental condition. The medical evidence shows that the prisoner had evinced no symptoms of insanity since the fatal acts were committed. There is no evidence on the record to prove that he was insane before or at the time of their commission. The Civil Surgeon, however, considers him 'a low animal' of morose disposition; and the Officiating Commissioner, on the ground of his being of a low order of intellect, and with reference to the decision of this Court of the 30th September 1856, in the case of Eshoree Dassee (*vide supra*, p. 777), recommends that capital punishment should be remitted, and the prisoner should be sentenced to imprisonment for life in banishment."

"I cannot assent to this recommendation. There is no question, I admit, in the whole range of Criminal Jurisprudence more difficult to decide than the question of responsibility which attaches to the commission of a sudden motiveless murder. In most cases the Court is relieved from the difficulty by the medical evidence; but when such evidence shows, as the result of careful inquiry, that no symptoms of insanity have been traceable since the commission of the act, and leaves it to be

inferred that the prisoner was sane,—that is, conscious of right and wrong, and of the consequences of the act when he committed it: while, on the other hand, there is the glaring insanity of the act itself, and the statement of the prosecutor that the prisoner was mad, some years before,—I confess it requires a most careful examination of the case, and the utmost caution in weighing the medical evidence, in order to arrive at a safe and just conclusion. With reference, however, to the prisoner being a low animal, or of a low order of intellect, it would, I think, be as dangerous as it would be unjust, in the consideration of such a question, to admit of degrees of insanity, and to allow the extent of the mental and moral consciousness to be the measure of the punishment. The criminal, in every such case, must be either out of his mind, and wholly irresponsible, or he had the power to resist the homicidal impulse, and did not, and is answerable for the consequences. The Court can admit of no middle ground in judging of the criminality of the act, and the responsibility attached to it. In the latter case, the prisoner would justly suffer the extreme penalty of the law; in the former, being irresponsible, he should be acquitted, and confined as a madman, until he is pronounced to be sane, and it would be safe to let him loose."

"From the well-known case of Macnaghten, tried in the House of Lords, 1843, Taylor, in his work on Medical Jurisprudence (p. 854, Fifth Ed.), deduces the inference that a complete possession of reason is not held to be essential to constitute the legal responsibility of an offender; and a little further on, referring to Jameson's Lectures on Insanity, he stated, the 'worst lunatics have an abstract knowledge that right is right, and wrong, wrong;' but, in true insanity, the voluntary power to control thought and actions is impaired, limited, or overruled by insane motives. A lunatic may have the power of distinguishing right from wrong, but it is contended, from a close observation of the insane, that he has not the power of choosing right from wrong. A criminal is punishable, not merely because he has the power of distinguishing right from wrong, but because he voluntarily does the wrong, having the power to choose the right."

"Was the prisoner in this case sufficiently sane to be criminally responsible? There is no evidence to prove that he was mad. He was not suffering from any particular delusion of mind. In judging, therefore, of the crime as the result of homicidal mania, it would be a dangerous doctrine to judge only of the insanity of the prisoner from the insanity of the act. Under this reasoning, and upon such ground, almost every crime might be palliated or excused. Absence of motive alone is not a safe criterion. There must be other evidence of insanity before a criminal can be pronounced irresponsible. See Taylor upon this point, in his work cited above. The sentence passed by this Court in the case cited by the Officiating Commissioner was transportation for life, on the ground of the prisoner possessing a low intellect."

"The sentence now recommended is based upon this precedent. If I could be persuaded that low intellect was a mental condition which gave the possessor invariably less control over his actions than a higher degree of intellect, irrespective of moral feeling, I might come to the conclusion that he was necessarily less responsible; but still there would be some responsibility; and, if responsible at all, the law must take its course. But as in judging of the act, I do not think the punishment should depend upon the degree of insanity, so also I would not allow the responsibility of the act to be affected by a higher or lower order of intellect. I think the prisoner in this case, whatever his intellect was, had the power to control the homicidal impulse; and, as instead of resisting it, he indulged in it because it gave him pleasure, he justly deserves the extreme penalty of the law. I would sentence him, therefore, to suffer death."

Dementia affectata comes oftener, perhaps, under the notice of Courts in India than any other form of legal criminal insanity. The broad rule in this form of insanity is that, when self-caused, it is no excuse for crime. If this frenzy, however, have become habitual and confirmed, and a criminal act is done by a man while under the influence of it, he will stand or fall by the answer to the question—could he help

doing it? Thus, Hale says, a man will not be liable to be punished for any crime perpetrated under the influence of insanity which is habitual and fixed, though caused by frequent intoxication, and originally contracted by his own act.

Not much removed from the above is the well-known plea of moral insanity of which Mr. Stephens says:—

"Moral insanity is said, by those who use the phrase, to consist in a specific inability to understand or act upon the distinction between right and wrong, a sort of moral colour-blindness, by which persons, sane in all other respects, are prevented from acting with reference to established moral distinctions. Whether such a disease exists, and whether particular people are affected by it, are, of course, questions of fact like any others. No doubt if its existence in a particular case were proved, it would be a ground for acquitting the prisoner, as it would disprove malice. So it might be a good defence to admit that a man meant to murder another; that he had loaded a pistol to shoot him, and pointed it at his head; but to contend that it was fired by a sudden involuntary convulsion of the necessary muscles and not by the prisoner's will, the difficulty is to get the Jury to believe it. The evidence given in support of the assertion that a man is "morally insane," is, generally speaking, at least as consistent with the theory that he was a great fool and a great rogue, as the theory that he was the subject of a special disease, the existence of which is doubtful."

The leading case on the question of legal insanity is that of R. *v.* Macnaghten. In it the following questions were put, and the following answers received from the English Judges:—

"*1st.*—What is the law respecting alleged crimes committed by persons afflicted with insane delusion in respect of one or more particular subjects or persons; as, for instance, where, at the time of the commission of the alleged crime, the accused knew he was acting contrary to law, but did the act complained of with a view, under the influence of insane delusion, of redressing or revenging some supposed grievance or injury, or of producing some public benefit?

"*2nd.*—What are the proper questions to be submitted to the Jury when a person, alleged to be afflicted with insane delusion respecting one or more particular subjects or persons, is charged with the commission of a crime (murder for example), and insanity set up as a defence?

"*3rd.*—In what terms ought the question to be left to the Jury as to the prisoner's state of mind at the time when the act was committed?

"*4th.*—If a person, under an insane delusion as to the existing facts, commits an offence in consequence thereof, is he thereby excused?

"*5th.*—Can a medical man, conversant with the disease of insanity, who never saw the prisoner previous to the trial, but who was present during the whole trial, and the examination of all the witnesses, be asked his opinion as to the state of the prisoner's mind at the time of the commission of the alleged crime, or his opinion whether the prisoner was conscious, at the time of doing the act, that he was acting contrary to law, or whether he was labouring under, and what, delusion at the time?"

To these questions the Judges (with the exception of *Maule, J.*, who gave on his own account a more qualified answer) answered as follows:—

To the *first* question:—"Assuming that your Lordships' inquiries are confined to those persons who labour under such partial delusions only, and are not in other respects insane, we are of opinion that, notwithstanding the party did the act complained of with a view, under the influence of insane delusion, of redressing or revenging some supposed grievance or injury, or of producing some public benefit, he is nevertheless punishable, according to the nature of the crime committed, if he knew, at the time of committing such crime, that he was acting contrary to law, by which expression we understand your Lordships to mean the law of the land."

To the *second* and *third* questions:—"That the Jury ought to be told in all cases that every man is presumed to be sane, and to possess a sufficient degree of reason to be responsible for his crimes, until the contrary be proved to their satisfaction; and that, to establish a defence on the ground of insanity, it must be clearly

proved that, at the time of the committing of the act, the party accused was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing, or, if he did know it, that he did not know he was doing what was wrong. The mode of putting the latter part of the question to the Jury on these occasions has generally been, whether the accused, at the time of doing the act, knew the difference between right and wrong, which mode, though rarely, if ever, leading to any mistake with the Jury, is not, as we conceive, so accurate when put generally, and in the abstract, as when put as to the party's knowledge of right and wrong in respect to the very act with which he is charged. If the question were to be put as to the knowledge of the accused, solely, and exclusively with reference to the law of the land, it might tend to confound the Jury, by inducing them to believe that an actual knowledge of the law of the land was essential in order to lead to a conviction; whereas the law is administered upon the principle that every one must be taken conclusively to know it, without proof that he does know it. If the accused was conscious that the act was one which he ought not to do, and if that act was at the same time contrary to the law of the land, he is punishable; and the usual course, therefore, has been to leave the question to the Jury, whether the party accused had a sufficient degree of reason to know that he was doing an act that was wrong; and this course, we think, is correct, accompanied with such observations and explanations as the circumstance of each particular case may require."

To the *fourth* question:—"The answer to this question must, of course, depend on the nature of the delusion; but making the same assumption as we did before, that he labours under such partial delusion only, and is not in other respects insane, we think he must be considered in the same situation as to responsibility as if the facts with respect to which the delusion exists were real. For example, if, under the influence of his delusion, he supposes another man to be in the act of attempting to take away his wife, and he kills that man, as he supposes, in self-defence, he would be exempt from punishment. If his delusion was that the deceased has inflicted a serious injury to his character and fortune, and he killed him in revenge for such supposed injury, he would be liable to punishment."

And to the *last* question:—"We think the medical man, under the circumstances supposed, cannot in strictness be asked his opinion in the terms above stated, because each of those questions involves the determination of the truth of the facts deposed to, which it is for the Jury to decide; and the questions are not mere questions upon a matter of science, in which case such evidence is admissible. But where the facts are admitted or not disputed, and the question becomes substantially one of science only, it may be convenient to allow the question to be put in that general form, though the same cannot be insisted on as a matter of right."

In conclusion, reference must be made to the question, what treatment is to be pursued towards one supposed to be insane who has committed the crime, and is sent for examination to the Civil Surgeon with regard to his state of mind?

"Here it, of course, becomes the duty of the Civil Surgeon at once to endeavour to distinguish how much of any disorder of the intellectual faculties which the culprit may present is dependent upon physical, and how much upon mental, causes. He has either been brought in, very shortly after the deed of violence, heated, panting, and almost wild with rage or terror; or pale, tremulous, prostrated, and horror-stricken; or where the act has been done at a distance, he has been hurried in on foot, from thannah to thannah, perhaps a distance of from thirty to fifty miles, exposed to the scorching mid-day sun, and to the night cold, roughly treated, and, in short, the subject of nearly all those causes which would most tend to unsettle for a time the steadiest intellect; he, in fact appears before the medical officer more like a wild beast dragged from the jungle, than the quiet-mannered, commonplace native that he ordinarily is. These circumstances being carefully looked to and discriminated, the medical officer may—upon observing that his eyes are inflamed, his head hot, his tongue foul, and his pulse excited, and, upon learning that he is sleepless at night—feel disposed to exercise the remedial portion of his art, and to prescribe pur-

gatives, nauseants, sedatives, low diet, and cold effusion. I allude especially to this point, as I have seen such a course inconsiderately adopted, under such circumstances, by men of experience and judgment; have felt myself bound to counsel against it. In these cases, unless the physician be convinced, either that treatment is necessary to save the individual's life (which will very rarely, indeed, happen), or that the experiment of treatment will aid him in forming or confirming his diagnosis (a dangerous course, which can only be undertaken by those who possess unusual tact in the investigation of such cases), it is always safer and fairer towards the subject of our scrutiny to leave his case untreated, under the most careful watching. In fact, with regard to food, lodging, dress, opportunities of ablution, &c., he should be permitted to remain, as far as the fact of his being in a jail will admit of, as nearly as possible under the circumstances to which he has been accustomed. Indeed, if it can be clearly proved that he has been in the habit of drinking spirits or of using drugs, these should be allowed him, in moderate quantities, with very cautious observation of their effects. Under these circumstances, it may fairly be expected that the effects of intoxication, whether by sharab or ganja, will gradually pass off, and that all unwonted excitement, the result of terror or ill-usage, will be calmed down; but cerebral irritation, depending upon actual vascular changes, will not be removed: fever will run its course (and may be allowed to do so until the medical man has fully recognized its presence, and has judged whether it did or did not probably exist previous to the crime). The true mania will probably remain unaffected, except in character and degree. It appears to be generally stated, by those medical men who conduct asylums near large towns, where recent cases are brought in at once, that instances of acute mania are remarkably common, and are in a very large proportion of cases highly remediable. It is only after the trial that the physician can be justified in treating the criminal lunatic; it can never be an act of justice nor of humanity to place one who has committed a maniacal act sane before a Jury who are to try him for murder. I confidently believe that there are some who have been hanged in consequence of this *nimia diligentia medicorum*."

"The most difficult class of cases met with in this country is probably that in which individuals, of decidedly and conspicuously weak intellect, but gifted with a degree of cunning almost compensatory to the higher faculties in which they are deficient, having been made tools of by dangerous persons in effecting their nefarious designs, fall into the hands of the authorities, who demand reports upon the state of their minds as accountable beings. Here, however, the contest between the intellect of the Surgeon and that of the idiot, should, of course, terminate in favor of the former, especially as these impostors, if watched sufficiently long, rarely fail to neglect or over-act their parts."

"The chief modes of judging of the insanity or sanity of natives is by observing whether they adhere to their rules of caste, or the customs laid down in their religion; by having surveillance maintained upon them by the Native Doctors and by their fellow-prisoners (an unsafe practice); by watching them when they are unconscious of observation; by noticing whether they are sleepless by night; and also by applying most of the other plans of investigation which we have recourse to in England. Dr. Kenneth McLeod has recently told me of a case in which a prisoner feigning insanity and dumbness, was detected by the administration of chloroform."

"The minds of natives are not free from tendency to religious monomania. Indeed, constant brooding upon the laws and fables of a wild and bloody superstition, must, unquestionably, sometimes unhinge the narrow intellects of these *wretched fanatics*. Still, where the crime assumes the character of any one of a set of barbarous practices, which it has long been the steady purpose of our lawgivers to extirpate from the land, and especially where, even as in the case of human sacrifice, the perpetrator cannot deny that, even upon his own explanation of his motives, he has committed the act with a direct view to his own advantage, it is evident that a plea of insanity must not be met with any yielding of misplaced compassion."—*Chevers.*

CRIMINAL TRIBES.

ACT No. XXVII of 1871.

An Act for the Registration of Criminal Tribes and Eunuchs.

(1). This section and section twenty extend to the whole of British India: the rest of this Act extends only to the territories under the Governments of the Lieutenant-Governors of the North-Western Provinces and the Panjáb respectively, and under the administration of the Chief Commissioner of Oudh.

5. Governor-General in Council to empower Local Government to publish in the local Gazette a notification declaring that such tribe, gang or class is a criminal tribe, and thereupon the provisions of this Act shall become applicable to such tribe, gang or class.

6. No Court of Justice shall question the validity of any such notification on the ground that the provisions hereinbefore contained, or any of them, have not been complied with, or entertain in any form whatever the question whether they have been complied with; but every such notification shall be conclusive proof that the provisions of this Act are applicable to the tribe, gang or class specified therein.

7. When the notification mentioned in section five has been published, the Local Government may direct the Magistrate of any district in which such tribe, gang or class, or any part thereof, is at the time resident, to make a register of the members of such tribe, gang or class, or of any part thereof.

The declaration of the Local Government that any such tribe, gang or class, or any part of it, is resident in any district, shall be conclusive proof of such residence.

8. Upon receiving such direction, the said Magistrate shall publish a notice in the place where the register is to be made, calling upon all the members of such tribe, gang or class, or of such portion thereof as is directed to be registered, to appear, at a time and place therein specified, before such persons as he appoints, and to give those persons such information as may be necessary to enable them to make the register.

9. Any member of any such tribe, gang or class who, without lawful excuse, the burthen of proving which shall lie upon him, shall fail to appear according to such notice, or who shall intentionally omit to furnish such information, or who shall furnish, as true, information on the subject which he knows or has reason to believe to be false, shall be deemed guilty of an offence under the first parts of section one hundred and seventy-four, or one hundred and seventy-six, or one hundred and seventy-seven of the Indian Penal Code, respectively, as the case may be.

10. The register, when made, shall be kept by the District Superintendent of Police, who shall, from time to time, report to the said Magistrate any alterations which ought to be made therein, either by way of addition or erasure.

11. No alteration shall be made in such register except by or by order of the said Magistrate, and he shall write his initials against every such alteration. Notice shall be given of any such intended alteration, and of the time when, and place where, it is to be made, to every person affected thereby.

12. Any person deeming himself aggrieved by any entry made, or proposed to be made, in such register, either when the register is first made or subsequently, may complain to the said Magistrate against such entry, and the Magistrate shall retain such person's name on the register, or enter it therein, or erase it therefrom, as he may see fit.

Every order for the erasure of any such person's name shall state the grounds on which such person's name is erased.

The Commissioner shall have power to review any order of entry, retention or erasure, passed by the said Magistrate on any such complaint, either on appeal by the person registered or proposed to be registered, or otherwise.

13. Any tribe, gang or class, which has been declared to be criminal, and which has no fixed place of residence, may be settled in a place of residence, prescribed by the Local Government.

14. Any tribe, gang or class, which has been declared to be criminal, or any part thereof, may, by order of the Local Government, be removed to any other place of residence.

16. When the removal of any persons has been ordered under this Act, the register of such persons' names shall be transferred to the District Superintendent of Police of the District to which such persons are removed, and the Magistrate of the said District and the Commissioner of the Division in which it is situated shall thereupon be empowered to exercise respectively the powers provided in sections eleven and twelve.

18. The Local Government may, with the previous consent of the Governor-General in Council, make rules to prescribe—

(1) the form in which the register shall be made by the said Magistrate;

(2) the mode in which the said Magistrate shall publish the notice prescribed in section eight, and the means by which the persons whom it concerns, and the headmen, village-watchmen and landowners or occupiers of the village, in which such persons reside, shall be informed of its publication;

(3) the mode in which the notice prescribed in section eleven shall be given;

(4) the limits within which persons whose names are on the register shall reside;

(5) conditions as to holding passes, under which such persons may be permitted to leave the said limits;

(6) conditions to be inserted in any such pass as to

(a) the places where the holder of the pass may go or reside;

(b) the officers before whom, from time to time, he shall be bound to present himself;

(c) and the time during which he may absent himself;

(7) conditions as to answering at roll-call or otherwise, in order to satisfy the said Magistrate or persons authorized by him, that the persons whose names are on the register are actually present at given times within the said limits;

(8) the inspection of the residences and villages of any such tribe, gang or class, and the prevention or removal of contrivances for enabling the residents therein to conceal stolen property, or to leave their place of residence without leave;

(9) the terms upon which registered persons may be discharged from the operation of this Act;

(10) the mode in which criminal tribes shall be settled and removed;

(11) the control and supervision of reformatory settlements;

(12) the works on which, and the hours during which, persons placed in a reformatory settlement, shall be employed, the rates at which they shall be paid, and the disposal, for the benefit of such persons, of the surplus proceeds of their labour after defraying the whole or such part of the expenses of their supervision and control as to the Local Government shall seem fit;

(13) the discipline to which persons endeavouring to escape from any such settlement, or otherwise offending against the rules for the time being in force, shall be submitted; the periodical visitation of such settlement, and the removal from it of such persons as it shall seem expedient to remove;

(14) and generally to carry out the purposes of this Act.

20. Any person registered under the provisions of this Act, who is found in any part of British India beyond the limits so prescribed for his residence, without such pass as may be required by the said rules, or in a place or at a time not permitted by the conditions of his pass,

or who escapes from a reformatory settlement,

may be arrested without warrant by any Police officer or village-watchman, and taken before a Magistrate, who, on proof of the facts, shall order him to be removed to the district in which he ought to have resided, or to the reformatory settlement from which he has escaped (as the case may be), there to be dealt with according to the rules under this Act for the time being in force.

The rules for the time being in force for the transmission of prisoners shall apply to all persons removed under this section: Provided that an order from

the Local Government or from the Inspector-General of Prisons shall not be necessary for the removal of such persons.

See Appendix, Head "Escorts."

21. It shall be the duty of every village-headman and village-watchman in a village in which any persons belonging to a tribe, class or gang, which has been declared criminal, reside, and of every owner or occupier of land on which any such persons reside, to give the earliest information in his power at the nearest Police-station of

(1) the failure of any such person to appear and give information, as directed in section eight;

(2) the departure of any such person from such village, or from such land (as the case may be).

And it shall be the duty of every village-headman, and village-watchman in a village, and of every owner or occupier of land, to give the earliest information in his power at the nearest Police-station of the arrival at such village, or on such land (as the case may be) of any persons who may reasonably be suspected of belonging to any such tribe, class or gang.

22. Any village-headman, village-watchman, owner or occupier of land who shall fail to comply with the requirements of section twenty-one, shall be deemed to have committed an offence under the first part of section one hundred and seventy-six of the Indian Penal Code.

Circulars on the above Act.

No. 2082*A.*, *Government, N. W. P.*—Part II of the Act is extended to all towns and places within the jurisdiction of this Government.

No. 2083*A.*—The Magistrate of the several Districts are appointed the officers who shall make and keep up the registers required by Section 24, Act XXVII, 1871, and are authorised, under Section 30 of the same Act, to make the necessary requisition for information as to the property in the possession of eunuchs.

I.—Register of Eunuchs.

1. A register of all eunuchs liable to registration under the Act shall be made by the District Superintendent of Police in the form (No. I) annexed to these rules.

2. The register shall be submitted, as soon as possible after preparation, to the Magistrate of the District, who is empowered to add to, or omit any names, as he may think proper.

3. When finally approved by the Magistrate, the register shall be deposited in in the office of the District Superintendent of Police. Each Police-station shall be furnished with an extract from the register showing the registered eunuchs living within its jurisdiction.

4. The register shall be revised from time to time as the Magistrate may direct and no name shall be erased or added, and no alteration made, without the sanction of the Magistrate, or by the order of the Commissioner on appeal or review under Section 25 of the Act. The initials of the Magistrate shall be attached to every alteration made in the register.

5. The removal or death of any registered eunuch shall be reported by the officer in charge of the Police-station through the District Superintendent of Police to the Magistrate, who, in the case of death, will order the deceased's name to be erased, and in the case of removal, if the removal be to another District, inform the Magistrate of the District to which the eunuch has removed with the view to his name being brought on the register of that District.

II.—Register of the Property of registered Eunuchs.

1. A register of the property of all registered eunuchs shall be made by the Magistrate of the District in the form (No. II) annexed.

2. It shall be deposited in the Magistrate's office, and extracts from it shall be sent for record in the Police-station within which each registered eunuch resides.

3. It shall be revised from time to time, but no alteration shall be made in it except by or by order of the Magistrate, whose initials shall be attached to every such alteration.

4. Information shall be given by the Police to the Magistrate of any alienation by registered eunuchs of their property or of any acquisition of new property.

FORM No. I.

Register of Eunuchs in the District of ———— *coming under Section 24 of Act XXVII of* 1871.

Index No.	Name.	Father's Name.	Age.	When emasculated.	Place of Residence.		District and Towns frequented by them.	Ostensible Means of Livelihood.	Remarks.
					Village.	Pergunnah.			
1.	2.	3.	4.	5.	6.		7.	8.	9.

FORM No. II.

Register of Property passed by Eunuchs borne on the Rolls of Register No. 1, *under Act XXVII of* 1871, *District*————.

Index No.	Name.	Description of Property possessed by Eunuchs, moveable or immoveable.	Where situated.	Value.	Remarks.

Magistrate applying to have criminal tribes proclaimed to show clearly (*a*) reasons on which tribe is considered addicted to commission of specified class of offences; (*b*) nature and circumstances of such offences; (*c*) proposed manner in which tribe shall earn its livlihood and, (where tribe has no fixed residence,) (*d*) whether tribe follows any lawful *occupation*; (*e*) *genuine or only ostensible*; (*f*) proposed place of residence; (*g*) proposed arrangements to enable them to gain living therein. If only a portion of a tribe is to be proscribed, accurate description of that portion should be given.—*G. I. H. D.*, 738 *of* 1872. See also Appendix, Rules.

24. The Local Government shall cause the following registers to be made and kept up by such officer as, from time to time, it appoints in this behalf:—

(*a*) a register of the names and residences of all eunuchs residing in any town or place, to which the Local Government specially extends this Part of this Act, who are reasonably suspected of kidnapping or castrating children, or of committing offences under section three hundred and seventy-seven of the Indian Penal Code, or of abetting the commission of any of the said offences; and

(*b*) a register of the property of such of the said eunuchs as, under the provisions hereinafter contained, are required to furnish information as to their property.

The term 'eunuch' shall, for the purposes of this Act, be deemed to include all persons of the male sex, who admit themselves, or on medical inspection clearly appear, to be impotent.

25. Any person deeming himself aggrieved by any entry made or proposed to made in such register, either when the register is first made or subsequently, may complain to the said officer, who shall enter such person's name, or erase it, or retain it, as he sees fit.

Every order for erasure of such person's name shall state the grounds on which such person's name is erased.

The Commissioner shall have power to review any order passed by such officer on such complaint, either on appeal by the complainant or otherwise.

28. The Magistrate may direct that any such boy shall be returned to his parents or guardians, if they can be discovered. If they cannot be discovered, the Magistrate may make such arrangements as he thinks necessary for the maintenance and education of such boy, and may direct that the whole or any part of a fine inflicted under section twenty-seven may be employed in defraying the cost of such arrangements.

The Local Government may direct out of what local or municipal fund so much of the cost of such arrangements as is not met by the fine imposed, shall be defrayed.

29. No eunuch so registered shall be capable—

(*a*) of being or acting as guardian to any minor,
(*b*) of making a gift,
(*c*) of making a will, or
(*d*) of adopting a son.

30. Any officer authorised by the Local Government in this behalf may, from time to time, require any eunuch so registered to furnish information as to all property, whether moveable or immoveable, of or to which he is possesed or entitled, or which is held in trust for him.

Any such eunuch intentionally omitting to furnish such information, or furnishing, as true, information on the subject which he knows, or has reason to believe, to be false, shall be deemed to have committed an offence under section 176 or 177 Penal Code, as the case may be.

31. The Local Government may, with the previous sanction of the Governor-General in Council, make rules for the making and keeping up and charge of registers made under this Part of the Act.

Schedule of Offences punishable under Act XXVII of 1871.

Section.	Offences.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Authority.	REMARKS.
19	Any person violating any of the rules made under S. 18.	Any person.	See S. 19, otherwise N. C.	S.	B.	Imprisonment, rigorous, not exceeding six months, or fine, or whipping, or with all or any two of them. *Second conviction*—Rigorous imprisonment not exceeding one year, or fine, or whipping, or all of or any two of them.	Any Magistrate.	
26	Registered eunuch appearing dressed or ornamented like a woman in a public street or place, or in any other place, with the intention of being seen from a public street or place, or dancing or playing music, or taking part in any public exhibition in a public street or place, or for hire in a private house.		C.	S.	B.	Imprisonment of either description not exceeding two years, or fine or both.		
27	Registered eunuch having in his charge or keeping in the house in which he resides or under his control any boy who has not completed 16 years of age. See also Ss. 9, 22, 24, 30.		N. C.	S.	B.	Imprisonment not exceeding two years, or fine or both.		

North-West Provinces Instructions.

10. The observation of these tribes must not cease on removal from one Police-station or division to another, or from one district to another, but the following rules strictly observed:—

A.—On receiving information of any wanderding tribe, the officer in charge of the station or outpost will depute a constable of the beat to observe the party. He will inform the Inspector of the division of their existence and place of encampment, and until relieved from the reserve will each day relieve the constable on this duty, receiving and entering in the diary of the Police-station a report of the camp.

B.—On receiving the above information, the District Superintendent will, after communicating such to the Magistrate, depute two, or at least one constable to the station or outpost to assist in the general duties of the Police there located, who will be transferred to any other station to which such camp may move, and who will in short follow the camp through the district, and remain with them until relieved by men from the reserve of the second district entered by the gipsy tribe.

C.—The officer of the station will be responsible for the observation kept on the camp so long as they remain in his circle, and responsible that the officer in charge of the neighbouring Station is immediately informed of the resort of the gang in event of removal, so that whatever the station or district the Police may keep such men under constant and close observation, and the Police Superintendent and Magistrate be alive to their presence, and daily informed of their movements, of their habits, and numbers.

11. It has been the practice of some Magistrates to have such tribes escorted beyond the boundaries of their districts and then be allowed to depart whithersoever they chose. This practice is most objectionable, and the very opposite to that which should be followed; for by it gangs of robbers are let loose on the country free from observation, and unknown to the Police or Magistracy. It is possible, though not probable, that crime may be prevented in the particular district, but if so it will be faciliated in neighbouring districts; and the great point is, that having obtained information of their existence, to endeavour to prevent migration, to detain them where observation can be better and more easily maintained, and by such observation prevent the commission of aggravated offence, and bring to punishment those attempting to commit crime.

Experiments have been made with one of these tribes, the Delhiwal Bhowreeahs. They were located at Mozuffernugger in 1863, under the following precautions, which were then thus prescribed.

14. To compel them to adopt the means of livelihood open to them, the following measures should be at once taken:—

1*a*,—Nominal lists should be formed, and punctually kept up and corrected, of every Delhiwal Bhowreeah wherever existent, and whether absent on excursion or present in village, showing not only the name and parentage of the person, but the village chosen for residence, and occupation or means of livelihood.

2*a*,—That roll-calls be made of every man enrolled, and hue-and-cry be made after those absent without leave, and that zemindars and village chowkeedars be required to furnish immediate information of every man leaving the village without leave.

3*a*,—"All Bowreeahs found absent, or at a distance from their homes, will be prosecuted, under Section 401 of the Indian Penal Code, as members of a wandering gang of professional thieves; but any such persons who are desirous of absenting themselves for the purpose of following or obtaining means of honest livelihood elsewhere, can protect themselves from such prosecution by notifying beforehand to the District Superintendent of Police, or to the Inspector for the time being, the object and direction of their journey, and on receiving such notification the said officer shall give a certificate or pass, certifying that the person named has duly notified his intention to absent himself for the purpose assigned."

4*a*,—An Inspector and two head constables will be specially employed for the above measures over all Bhowreeahs in the districts of Moozuffernugger and Saharunpore. They will be aided by a Bhowreeah Police of four heads on Rs. 5 a month, and 16 men at Rs. 4 a month: half charge to Saharunpore Reserve, half to Moozuffernugger.

The Inspector will be responsible for the correct formation of the Nominal Register Roll of Delhiwal Bhowreeahs belonging to these two districts, both of those now present in the villages, and of those who have left on wandering tours. He will ascertain and report villages in other districts, both of the North-Western Provinces and the Punjab Government, said to contain members of the tribe, and if possible ascertain the names of the leaders, or heads of those Bhowreeah thokes, and he will do his best to ascertain and report the direction taken by those absent from his own tract, furnishing Nominal Lists and Descriptive Rolls of absentees.

He will report for Government employment any of the gang who are trustworthy, able, and willing to assist in the apprehension of absentees, or otherwise valuable for such employ.

He will require from the Bhowreeah Police a daily examination of resident Bhowreeahs, and immediate information of those who have left without pass; will require from the Government head constable weekly report of roll-call or *purtal*; and will once a month personally visit every village containing members of the gang, and certify himself of those present in the villages.

5*a*,—The Delhiwal Bhowreeahs have invariably followed the Grand Trunk Road or other main roads in their excursions. Large fairs are favourite places of resort, and large camps, particularly of Natives of rank or wealth, or of European Regiments, were and are still objects of interest. In the districts of Meerut, Agra, Muthra (for Muthra and particularly for Bindrabun), Cawnpore (particularly for Bithoor), Allahabad and Benares, a few Bhowreeah Police informers will at all times prove of value. As far as possible three trustworthy Bhowreeah informers will be employed, under Police Superintendents in these districts, in watching fairs, religious or bathing assemblies and camps, and in the apprehension of members of the fraternity who may be found therein. The men thus employed will be allowed to have, if they wish, their families with them, for whom hutting will be provided from the General Police Fund; but men thus selected must be such as are willing to act honestly against their old associates in consideration of the permanent provision given. Should they be found to betray this trust, they will be returned to their village of residence to work out their own livelihood by labor; and until men are found willing and trustworthy for such employ they will not and cannot be supplied, for it is better to go without such means of action than to use men who will betray their employers.

6*a*,—To the above districts lists with descriptive rolls will be furnished to the Superintendents of Police, of absentees of the gang, and any apprehended will be prosecuted by the Superintendent of Police under Section 401 of the Penal Code. The Police informer or other evidence Major Tyrwhitt can supply, to the effect that such prisoners were and are members of the Delhiwal gang; evidence to the apprehension of such men at a distance from their homes, and without passes; with the published records of the professional criminal habits of the gang, and of this memorandum, showing the measures taken to secure liberty of movement to those leaving for honest occupation, will, it is believed, be sufficient to secure conviction, and it must be left to the Judicial Courts to support the endeavours made by the Police of the country to suppress these notorious criminals, by awarding full punishment for every case satisfactorily proved before them.

DAILY REGISTER OR REPORT OF CRIME.

Prescribed in Lower Bengal By C. IV of 1870.

In order that there may be no doubt as to whether the Magistrate in charge of the district and the sub-divisional Magistrate are kept regularly informed as to what goes on in their several charges, a report, in the annexed form, will be submitted daily by the District Superintendent to the Magistrate, compiled from the different station diaries. A similar report will be submitted by each Assistant Superintendent or Inspector in charge of a sub-district to the sub-divisional Magistrate for perusal, signature and return, and will then be forwarded to the District Super-

intendent for submission to the district officer, who will return it to the District Superintendent with his remarks and orders written therein.

2. Each Assistant Superintendent or Inspector in charge of a sub-district must clearly understand that he is bound to report any circumstances worthy of note which may come under his cognizance, and that such reports will not be confined solely to the notification of crime. Some of the principal occurrences that should find entry in the daily report will be found enumerated in the rules regarding station diaries. These diaries should be read the day they arrive, and the officer receiving them should, by judicious comment, encourage his subordinates to make them as complete and full as they ought to be. They should, however, be careful to avoid transcribing into the daily report any but important matter, with such an amount of detail only as will enable the Magistrate to judge of the necessity for action or further enquiry. The District Superintendent will be held responsible for laying the daily reports at once before the Magistrate of the district, and calling his attention to any matter of special importance. The fact of a heinous case being noted in the daily report will not, however, obviate the necessity for submitting the usual special report. The Magistrate himself will see that any neglect in forwarding the daily reports is severely dealt with.

3. It must be distinctly understood to be a regular part of the duty of the District Superintendent in every district in Bengal daily to attend the Magistrate's office, and personally to communicate with him on the reports of the day and the state of the district. Written communication between the Magistrate and his Superintendent of Police in these matters is absolutely prohibited, except when personal communication is altogether impossible.

4. The object of these orders is to give the Magistrate of the district an opportunity of guiding the District Superintendent in conducting investigations and enquiries, and in fact managing matters himself through his Superintendent of Police. The Magistrate is responsible for the peace and good management of his district, and consequently he should be kept informed of the state of the district, and should, in every serious matter, direct the operation of the Police, the Superintendent carrying his orders into effect.

In the North-Western Provinces.

The North-Western Provinces' instructions will be found under Appendix, "District Superintendent of Police."

In the Punjab.

A daily register in English is kept in each District Superintendent's office. It will contain only offences cognizable by the Police and reported by Charge Register.

Each case in it will be numbered serially from January 1st to December 31st. Cases cancelled will be scored out in red ink, and a note made in column 13. At the end of the year they should be added up and deducted from the last serial number.

It is intended to show both Magistrate and District Superintendent of Police how the Police have worked on any particular day both with regard to cases reported on that and on previous days.

The history of no case should ever be entered in it.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.
						Property.		Persons.					
Serial No.	Date.	Station.	Village.	Nature of Offence and Section of P. C.	Serial No. of former Report.	Stolen.	Recovered.	Arrested.	Sent for Trial.	Remanded.	Released by Police, s. 135, C. P. C.	Remark by Police Officer.	Remark by Magistrate.

DAK.—See Stage Carriages.

DEAD BODIES—THROWING INTO RIVERS.

High Court C. O. VIII of 1865, *and G. O.* 1682*A of* 1865.

The Court enjoin that where this practice is prevalent near large stations or Military Cantonments, Magistrates will provide that it be not allowed to become a nuisance, and will adopt remedial measures when inconvenience or injury is experienced.

3rd.—When the practice can be shown to be a public nuisance, and in places where the provisions of Act XXVI of 1850, or Act XXII of 1864, are in force, it will be possible to include the practice in the definitions of public nuisances, and to prohibit it accordingly.

DESERTERS.

The law on this head is contained in Section 34 of the Mutiny Act, the provisions of which, as far as they relate to foreign stations, are reproduced below.

SECTION 34.—Upon reasonable suspicion that a person is a deserter, it shall be lawful for any Constable, or if no Constable can be immediately met with, then for any officer or soldier in Her Majesty's service, or other person, to apprehend, or cause to be apprehended, such suspected person, and forthwith to bring him, or cause him to be brought, before any Justice living in or near the place where he was apprehended, and acting for the county or borough wherein such place is situate, or for the county adjoining such first-mentioned county or such borough; and such Justice is hereby authorized and required to enquire whether such suspected person is a deserter, and from time to time to defer the said enquiry, and to remand the said suspected person in the manner prescribed by an Act passed in the eleventh and twelfth years of the reign of Her present Majesty, Chapter forty-two, Section twenty-one, and subject to every provision therein contained; and if it shall appear to the satisfaction of such Justice by the testimony of one or more witnesses taken upon oath, or by the confession of such suspected person, confirmed by some corroborative evidence upon oath, or by the knowledge of such Justice, that such suspected person is a deserter, such Justice shall forthwith cause him to be conveyed to some public prison, if the regiment or corps to which he is suspected to belong shall not be in such part; or, if the regiment or corps be in such part, the Justice may deliver him into custody at the nearest military post, if within reasonable distance, although the regiment to which such person is suspected to belong may not be stationed at such military post; and such Justice shall in every case transmit to the General, or other Officer Commanding, a descriptive return in the form prescribed in the Schedule to this Act annexed, to the end that such person may be removed by order of such officer, and proceeded against according to law; and such descriptive return, purporting to be duly made and subscribed in accordance with the Act, shall, in the absence of proof to the contrary, be deemed sufficient evidence of the facts and matters therein stated.

Provided always that any such person so committed as a deserter in any part of Her Majesty's dominions shall, subject to the provisions hereinafter contained, be liable to be transferred by order of the General or other Officer Commanding to serve in any regiment or corps or depôt nearest to the place where he shall have been apprehended, or to any other regiment or corps to which Her Majesty may deem it desirable that he should be transferred, and shall also be liable after such transfer of service to be tried and punished as a deserter.

Descriptive Return to be forwarded to the General or other Officer Commanding, as directed in Clause 34 of the Mutiny Act.

No.

Descriptive Return of who was apprehended (or "surrendered himself," as the case may be) on the day of , and was committed to confinement at on the day of as a Deserter from (insert Regiment or Corps).

Age.	
Height.	feet inches.
Complexion.	
Hair.	
Eyes.	
Marks.	
Probable date of enlistment, and where.	
Probable date of desertion, and from what place.	
Name, and occupation, and address of the person by whom, or through whose means the deserter was apprehended and secured.	
Particulars in the evidence on which the prisoner is committed, and showing whether he surrendered or was apprehended, and in what manner, and upon what grounds.	

I do hereby certify that the prisoner has been duly examined before me as to the circumstance herein stated, and has declared in my presence that he† a deserter from the abovementioned corps.

——— Signature and address of Magistrate.

——— Signature of prisoner.

——— Signature of informant.

† Insert "is" or "is not," as the case may be.

I certify that I have inspected the prisoner, and consider him‡ for military service.

——— Signature of the Military Medical Officer, or Private Medical Practitioner.

‡ Insert "fit" or "unfit," as the case may be, and if unfit, state the cause of unfitness.

No fee will be allowed to a Private Medical Practitioner, where a Military Medical Officer is stationed, unless it is shown that his services were not available.

G. O. 136 of 1864.

Rs. 30 reward will be paid to any person who shall arrest and make over to the nearest Military Station a deserter (European): in the case of an Eurasian or East Indian soldier belonging to a corps composed of these classes and raised in the country only Rs. 10 will be given.

* It is important for the Public Service, and for the interest of the deserter, that this part o the Return should be accurately filled up, and the details should be inserted by the Magistrate in his own handwriting, or under his direction by his Clerk.

When such deserters are arrested by the Police or subordinate of Civil authorities, such Civil authorities shall, if the man be supposed to have deserted from a regiment close by, make him over to the Officer Commanding that regiment. If, however, the regiment from which he is supposed to have deserted is quartered at a distance, or the captor be not a subordinate (as abovementioned), the deserter should be made over to the Brigade Major or Garrison Staff Officer nearest.

The Military authorities arrange about payment of the reward, and also for the speedy transmission of rolls and full particulars to the Civil authorities; these when received should be notified in a Police or Government Gazette.

Any Police officer may arrest such without a warrant, s. 92 (C. P. C.), and should make him or them over to the nearest J. P.

See also s. 101, C. P. C.

Commanding Officers are instructed to report at once to the nearest Police Officers whenever a soldier absents himself from his regiment without leave.

On receipt of a deserter's descriptive roll, vernacular hue and cry lists should be prepared and circulated, as quickly as possible, to all the rural stations, and to the District Superintendents on the main lines of road.

At places near a line of railway, it will usually be necessary to send telegraphic warnings to the Police stationed along it.

When a British non-commissioned officer or soldier requires to be absent from his regiment, on any account whatsoever, excepting when proceeding on duty with a military party, he is, in addition to any order to proceed, or furlough paper, to be provided with a printed pass on the accompanying form.

On every occasion of his taking a ticket by rail or steamer, he is to be instructed to present the pass at the booking office.

No soldier is on any account to appear in any other dress than the uniform of his regiment when absent from his corps.

Commanding Officers are desired to furnish the earliest possible information of deserters to the Civil authorities, and to the neighbouring Railway and Steam Flotilla Stations.

SOLDIER'S PASS.

The bearer No. of the regiment of has permission to be absent from his corps, and to proceed to (and back) between the day of and the day of by (here indicate the route by river, rail, or bullock train, as the case may be)

Commanding *Regiment.*

DIETING OF WITNESSES AND PRISONERS.

I.—The Magistrate will furnish to every Police Officer in charge of a divisional station Rs. 5, and to every officer in charge of a sub-division Rs. 3, as a permanent advance.

II.—The officer in charge of the station, when forwarding prisoners or accused persons to the sudder station, will advance to the officer in charge of the party a sum sufficient to cover the expense of dieting the prisoners on the road, and will give a memorandum in the accompanying Form A, showing the number of persons to be dieted.

III.—In the same manner, in despatching a corpse or wounded person, he will advance to the accompanying officer a sum sufficient to pay the bearers or coolies from station to station, with a memorandum in the accompanying Form B, showing the number of bearers or coolies employed.

IV.—On arrival at the sudder station, the officer in charge will take the memorandum to the Magistrate's nazir, and obtain the amount expended on the road, and, on his return to the station, will repay to the officer in charge of the station the full sum he received in advance.

V.—Officers in charge of stations will thus always have in hand the permanent advance of Rs. 5 and Rs. 3, and need keep no accounts.

In the N. W. P.

VI.—The account will be kept by the Magistrate's nazir, who will, at time of payment, note on the back of each memorandum the amount paid to the road officer, and file the memorandum as his voucher. The cost of dieting prisoners, &c., will be charged at the end of the month in the Magistrate's contingent bill.

A.	B.
From Station.	From Station.
Date hour of despatch.	Date hour of despatch.
No. of persons to be dieted.	*No. of bearers or coolies employed.*
Men	Kuhars
Women	Coolies
Children under 10 years of age	

N. W. P. Pol. Cir. Orders.

Prisoners and accused persons in transit to have option of fixed dietary.

8 chittacks atta (wheaten)* daily.
2 ditto dal ... „
100 grains of salt ... „
5 mashas ghee ... „
12 chittacks of firewood „

or one anna per diem in money—*Cir. Order* 13 *A of* 1870.

In Panjab.

In the Punjab (C. O. No. 101 of 1861) Deputy Commissioners are authorized to make to the District Superintendent of Police a permanent advance of Rs. 100 for this purpose.

The Police will provide for the diet of witnesses up to and inclusive of the day on which the charge sheet is handed over to the Court, and of the prisoner up to and inclusive of the day on which he is made over to the lock-up.

Witnesses will receive diet money only in those cases which the Police investigate of their own authority and in cases sent by the Magistrate for Police investigation (C. O. No. 15 of 1863).

When presenting the charge sheet the Police will move the judicial officer to pay *at once and in cash* the sums disbursed by the Police in that particular case.

The duty of feeding prisoners under trial may not be undertaken by the Police.

Rules for dieting Patients detained in Dispensaries on account of Injuries which have formed the subject of Police inquiry.

District Superintendent of Police should send with each patient, or as soon as possible, a written requisition for his admission. The officer in charge of the Dispensary to see that these requisitions are received.

2. Three money rates allowed for dieting patients of this class:—

1st rate 15 pie per diem.
2nd „ 12 „ „
3rd „ 9 „ „

In N. W. P.

3. Such bills for dieting patients to be submitted to the Magistrate for payment, with admission tickets attached as vouchers.

4. The bills to be signed by officer in immediate charge of Dispensary, and countersigned by Superintendent.

5. All patients who can afford to pay for food should be required to do so at foregoing rates, or be allowed to make their own arrangements, at discretion of Superintendent.

6. No charge for medicine and attendance should ever be made—*North-Western Provinces, Circular Order* 42 *A of* 1870.

* When atta prepared from bajra or jowar is supplied (which should always be done when these cereals are in season), 10 chittacks should be allowed.

DISTRICT SUPERINTENDENTS OF POLICE.

Their relation to Magistrates of Districts.

In the North-Western Provinces the Lieutenant-Governor is of opinion that, in order on the one hand to maintain the influence of the Magistrate over the Police Force, and on the other to ensure a proper knowledge on the part of the Magistrate of the characters of its members, promotion should be made subject to such Magistrate's approval. Assistant Magistrates shall also be *ex-officio* Assistant District Superintendents of Police, until such time as they are vested with the full powers of Magistrates. Care will of course be taken that they try no case which as Police Officers they have prepared. And for this the Magistrate of the District will be held responsible. To him also it will be left, under the orders of the Commissioner of the Division, to decide what duties will devolve upon the Assistant Magistrate in his capacity of Assistant District Superintendent. This matter is noticed in the Circular.

The Governor-General (Resolution No. 2399 of 1864) observes that, although with a view to the separation of the Police and judicial functions, which were formerly united in the Magistrate, Act V of 1861 has created a new class of superior Police Officers, and has devolved upon the officers so created the Police duties which, prior to the passing of Act V of 1861, were performed by the Magistrate and his subordinates, Section 4 of the Act distinctly provides for the administration of the Police throughout the local jurisdiction of the Magistrate of the district being vested in the District Superintendent, under the general control and direction of the District Magistrate. Neither Act V of 1561, nor the general repealing Act XVII of 1862, repealed Section 7, Regulation I of 1829, which declares that Commissioners of Revenue and Circuit, who are the immediate official superiors of the District Magistrates, and are required to exercise a general supervision and control over the proceedings of those officers in all departments, shall for their respective divisions perform all the duties, and exercise all the powers belonging to the Superintendents of the Police, and the Governor-General in Council does not understand that the Commissioners in the North-Western Provinces have been relieved from the duties and responsibilities thus imposed upon them, in respect of the Police of their divisions, by anything contained in Act V of 1861.

Extract from Resolution of the Government of Bengal on Act V of 1861, *dated the* 22*nd September* 1862, *adopted by N. W. P.*

The administration of the Police throughout the local jurisdiction of the Magistrate of the district is vested in the district Superintendent of Police under the general control and direction of the Magistrate. The District Magistrate has no authority to interfere in the internal organization and discipline of the Police Force; but in other respects his position, in relation to the Police, is not materially changed. The District Superintendent is in effect an aid to the Magistrate for the superintendence of the Police of the district.

The Commissioners of Divisions will continue to exercise the same supervision over the Magistrate in respect to the administration of Police and Criminal Justice which they have hitherto exercised as Superintendents of Police; but they will not in any way interfere with the details of the organization of the Police. Commissioners of Divisions must bear in mind that they are responsible, as heretofore, for the entire executive administration of their divisions.

The Inspector-General will confine his attention principally to the general control, and the Deputy Inspectors-General to the inspection and discipline, of the Police Force. The Inspector and Deputy Inspectors-General should be moving about from district to district for at least eight months in the year.

The District Superintendent is the head of the Police Force employed in the district. He is therefore responsible to the Magistrate for the efficient performance

of the duties devolving upon the force. It is his duty to see that all orders of the Magistrate or other competent authority are promptly and correctly carried out.

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* * Should any difference of opinion, on any question relating to Police administration, arise between the District Superintendent and the Magistrate of the district, it is the duty of the District Superintendent to carry out the Magistrate's instructions, and to request the Magistrate to refer the point under dispute for the orders of the Commissioner, who will decide all such references, communicating when necessary with the Inspector or Deputy Inspector-General. Any officer of the Police who is dissatisfied with the decision of the Commissioner may submit his case to the Inspector-General.

The Lieutenant-Governor, N. W. P., has further notified thus (C. 47 of 1866) :—

"The time has now come for insisting upon that general subordination of Police, as of all other local authority, to the chief administrative officer of the district, which is essential to the maintenance of his influence and to the right fulfilment of his responsibilities, for the peace and well-being of the community.

"The proper position of the District Superintendent is, it appears to me, that of a Lieutenant in a Military, or Joint-Magistrate in a Civil sense, to the Magistrate of the district. In all matters of drill, discipline, and organization of the force, he is independent, responsible only to the Inspector-General; in all matters affecting the protection of life and property, the suppression of crime, and the repression of local disturbance,—in short, *in all matters connected with the working of the Police he is entirely subordinate to the general control of the Magistrate.*"

Every District Superintendent will, in concert with the Magistrate of the district, adopt measures to keep that officer promptly informed of all that goes on in the district. The District Superintendent will not be content to do this in the ordinary official form, through the office, or by sending on the daily diaries and reports for the perusal of the Magistrate, but he must give the information extra-officially; and with this view the Inspector-General lays down the following rules which he desires may be strictly observed :—

I.—Whenever the Magistrate of the district and District Superintendent are together in station or camp, the District Superintendent will arrange with the Magistrate to see him at least once a day, either at Court or his own house, whichever may be most convenient. This interview should ordinarily be made immediately after the District Superintendent has heard the reports for the day. He should give the Magistrate of the district an abstract in English of all crime reported, and other matters of importance; he should verbally give the Magistrate all particulars, inform him of the orders he has passed, and consult with him as to the necessity for any further action being taken. He should take this opportunity of bringing to the notice of the Magistrate localities where crime has lately become more rife than usual, names of landholders who have failed in the due performance of Police duties; inform him of all proposed transfers, promotions, and appointments of the Police; tell the Magistrate the result of Police investigation in all grave pending cases, and consult as to what more is necessary to be done. In fact, there is nothing connected with the Police administration of which he should not keep the Magistrate promptly and strictly informed; and he is invariably bound to be guided by the advice of the Magistrate and to carry out his wishes and orders. In all executive matters the Magistrate is supreme, but should a difference of opinion arise on any point affecting the internal organization or disposition of the force, the District Superintendent will, after explaining his views in opposition to those of the Magistrate, still be guided by the sense of the Magistrate; but should that officer still differ, and should the question be an important one, materially affecting the efficiency of the force itself, the District Superintendent will ask the Magistrate to refer the point for decision of the Inspector-General.

II.—In addition to seeing the Magistrate once during the day, the District Superintendent, on receiving the express report of a grave heinous offence, such as murder, a heavy dacoity, or a professional poisoning case, &c., will *at once* send intimation to the Magistrate of what has occurred, and of the action he has taken; and, if possible, it is better he should himself go and personally consult the Magistrate as to what he should do in the case. It is absolutely necessary that this information should be promptly given, or otherwise the value of reporting to the Magistrate at all is in a great measure weakened.

III.—When the District Superintendent is away from the station, it will be understood that it is the duty of his Assistant, or the European Inspector left in charge, to carry out the above instructions, and to communicate *at once* to the Magistrate all important information. Should there be no European Inspector, a Native Inspector should be told off for this duty. District Superintendents will bear in mind that the more intimate and frequent communication there is between Magistrates and themselves, the more likely is the Police administration to be successful.

IV.—The District Superintendent when away from head-quarters should still, in a demi-official communication, keep the Magistrate informed of his proceedings, briefly noting the result of his observation of matters affecting generally the Police administration of the district.

The Abstract English Daily Report to the Magistrate will be in the accompanying form:—

Daily Abstract Report of District Superintendent to Magistrate, dated 1st December 1866.

Station.	Nature of Report.	Date of Occurrence.	Name of Town or Village.	Distance and Direction from Station.	REMARKS.
Bhudousa ..	Burglary and theft—value	November 29th	Mahwa Khera	4 miles south	No clue. This is the seventh case of theft in this village during last 6 months.
Banda Khas ..	Theft—value Rs. 946.	November 30th	Mohulla Bahadurgunge.	..	3 persons arrested; servants of prosecutor; Rs. 650 recovered.
Mhow ..	Highway robbery.	November 26th	Cheboo ..	12 miles south-west.	Bunnyas returning from market attacked at night; no trace in reporting case.
Ditto ..	Great excitement in the Pergunnah caused by certain people proclaiming the *Sanechahkepoojah*. Further particulars called for.				

Magistrates are requested to sign and date these reports as "seen," and to return them to the District Superintendent, who will file them in monthly bundles in his office, and tear up those of the preceding calendar year on the 1st of every April. Any orders which the Magistrate may deem it necessary to issue should be written, not on the abstract, but separately, so as to be filed in the list of the case.

The Inspector-General would warn Magistrates against all unnecessary interference, and to avoid acting so as to weaken the influence and authority of the District Superintendent. He by no means wishes the District Superintendent to become a mere cypher in the district. In order to render the District Superintendent an efficient aid, he must be trusted and given free scope for action. The object of the Inspector-General in issuing these orders is to ensure prompt information to the Magistrate of the district of everything that occurs, and to keep him informed of all that goes on; and, 2*ndly*, to give him the opportunity of advising and instructing the District Superintendent in the investigation of all grave offences, and in all other important matters affecting the welfare of his district.

This view of the relations that should exist between the Magistrate and District Superintendent of Police has been adopted by the several Local Governments of Upper India, and has virtually, though not verbally, received the sanction of the new Code of Criminal Procedure.

DUTIES OF LANDHOLDERS.

Besides the duties enumerated in Sections 89 and 90, Criminal Procedure Code, the following rules are worthy of perusal:—

Rules regarding the Duties and Responsibilities of Proprietors and Occupiers of Land in matters of Police.—Jud. Com., Punjab, 1863; *Cen. Prov., XXXI,* 1863; *Oudh, C. D.,* 54, 1863.

1. All proprietors, holders, farmers, agents, or managers of land, are subject, with regard to all duties connected with the Police, to the same laws, regulations, and procedure, and to the same jurisdiction, and no one is exempt by reason of his place of birth, or by reason of his descent (Act II, 1853, Section 1).

2. All mâlgoozars and other persons specially entrusted by law with the duty of apprehending offenders and preventing offences are looked upon as public servants in respect of such duties, and are liable, in case of neglect thereof, to the penalties which may be inflicted on other public servants (Section 21, P. C.).

3. All zemindars, talookdars, and other proprietors of land, farmers, agents, and tenants of every description, and all officers employed by Government in the collection of the revenues and rents of land, are accountable for the early and punctual communication to the Magistrates and to the Police, either publicly or privately, as the informants may think proper, of all intelligence which they may receive respecting the resort to any place within the limits of their estate or villages, of thugs, dacoits, or any other description of robbers, of any notorious receiver or vendor of stolen property. Whoever omits to give such information (Section 176, P. C.) is liable to simple imprisonment for six months, or fine of one thousand rupees, or both; and if any person bound to furnish such information shall give information which he knows or has reason to believe is false (Section 177, P. C.), he is liable to rigorous imprisonment for two years, or fine to an unlimited amount, or both. Regulation (Ben. Code) VI 1810, Section 2; I, 1811, Section 10; XX, 1817, Section 33.

4. All such proprietors and tenants of land are responsible for the early and punctual communication to the Magistrates and to the Police of all information which they may receive respecting the commission, within the limits of their estates, of murders, dacoities, assembling for the purpose of committing dacoity, robberies, house-breaking, and thefts. Whoever intentionally omits to give such information (Section 202, P. C.) is liable to rigorous imprisonment for six months, or fine to an unlimited amount, or both; and if any person shall give information which he knows or believes to be false (Section 203, P. C.) regarding such offences, he is liable to rigorous imprisonment for two years, or fine to an unlimited amount, or both (Criminal Procedure Code, Sections 89, 90).

5. If five or more persons assemble for an unlawful purpose, or a riot is committed, the owners and occupiers of the land upon which the unlawful assembly or riot takes place, and all persons having or claiming an interest in such land, knowing that such offence is likely to be, or is being, or has been committed, are bound to give immediate notice at the nearest Police Station (Section 154, P. C.). Any such person who omits to give such notice, or who does not use all lawful means in his power to prevent the offence, or to disperse or suppress the unlawful assembly or riot, is liable to a fine of one thousand rupees.

6. Whenever a riot is committed for the benefit or on behalf of any person, such person or his agent or manager is liable to fine unlimited in amount, if, having reason to believe that such riot was likely to be committed, he shall not use all lawful means in his power to prevent the offence (Section 155, P. C.).

7. All landholders and farmers are required to give at all times their utmost care and vigilance to prevent (Reg. [Ben. Code] II 1797, Section 2) affrays, assaults, and all other acts of violence and breaches of the peace within their respective estates and farms, and to apprehend and deliver over to the Police Officers any persons who are found in the act of committing a breach of the peace, or who are charged with the commission of any of the offences noticed in Rule VIII. They are also required at all times (Reg. [Ben. Code] XX 1817, Section 33) to co-operate with, assist, and support the Police Officers in maintaining the peace, in preventing affrays and other criminal acts of violence, and in apprehending offenders.

8. On the occurrence of a dacoity, robbery, murder, house-breaking, theft attended with wounding, or any other heinous offence attended with violent breach of the peace, it is the duty of the Police and of the village watchmen to require the headman and all the inhabitants of every village to use every effort to oppose and seize the offenders (Reg. [Ben. Code] XX 1817, Section 21), or to pursue them if they have fled; and it is incumbent on the inhabitants of the villages through which, or near to which, the pursuit lies, to afford, on the requisition of the Police or village watchmen (Section 91, C. P. C.) every practicable assistance towards the apprehension of the offenders and for the recovery of any property stolen by them, continuing the pursuit from village to village. Any inhabitant of a village who omits to give such assistance (Section 187, P. C.) is liable to simple imprisonment for six months, or fine of five hundred rupees, or both. Any mâlgoozar, or village watchman, who, in such a case, intentionally omits to apprehend the offender, or suffers him to escape, or aids him in escaping from confinement (Section 221, P. C.), is liable to punishment, the amount of which will depend upon the nature of the offence charged against the person who ought to have been apprehended, or kept in confinement. In the most serious cases the punishment may extend to rigorous imprisonment for seven years, with fine unlimited in amount, or both.

9. All zemindars, talookdars, and other proprietors of land, farmers, agents, tenants of every description, and all officers employed by Government in the collection of the revenues and rents of land, are bound to afford their assistance in the apprehension of such offenders found within the limits of their estates, or to apply to the Police Officer for any assistance which they may require in the execution of that duty, or to communicate to the Police Officer such information as has been obtained respecting the place to which the persons in question resort, or in which they are concealed. The omission on the part of mâlgoozars and others to carry out the requirements of the law in this respect is punishable in the manner described in Rule VIII, Reg. (Ben. Code) III, 1812, Section 9; and XX, 1817, Section 33.

10. All landholders and farmers are bound to take all precautions in their power for the prevention of robbery and theft. If a robbery or theft be committed in any inhabited place within the limits of their estates, and the Magistrates be of opinion that the offence was committed with their connivance, or that the perpetration of it was ascribable to their want of care or vigilance, they are liable, in addition to any punishment which may legally be inflicted, to be made responsible for the value of the property that has been stolen, whether notice of the arrival of the owners of the property had been given to them or not. If the robbery or theft be committed by night in the open roads or woods, and not in an inhabited place, they will also be held responsible if it be proved that they had such knowledge of the circumstances as might reasonably have been expected to enable them to have prevented the theft or robbery. Reg. (Ben. Code) XVII, 1795, Section 3; and XIV, 1807, Section 19.

11. All landholders and farmers are also responsible for the value of any stolen or plundered property proved to have been brought into their estates or farms with their knowledge or connivance, and which they have not caused to be delivered up, or respecting which they have not given timely notice to the local Police Officer or to the Magistrate. Reg. (Ben. Code) XIV, 1807, Section 19.

12. Any person whose property has been stolen or plundered under the circumstances which, according to the two last preceding rules, render the proprietors or farmers of estates responsible, may institute in the Civil Court a claim against such

proprietor or farmer for the recovery of the value of the property that has been lost. Such claims will be tried and decided in the Civil Courts according to the ordinary Rules. Reg. (Ben. Code) XIV, 1807, Section 19.

Cen. Prov. Pol. C. 41 *of* 1863.

It will in future be the duty of Police Officers to bring to the notice of the Deputy Commissioner all cases in which the landholders, and especially the village mâlgoozars, neglect their duties, or ignore their responsibilities in Police matters. At the same time the greatest care must be taken that the additional power thus placed in the hands of the Police is not abused. Officers will receive with extreme caution reports made against landholders by their native subordinates, and must always satisfy themselves by personal investigation, when possible, that the charges are well founded before sending them on to the Magistrate.

They will also remember that it is only in cases where criminality or gross neglect can be proved that complaints should be made, and that those mâlgoozars and other landholders who shew an honest and laudable desire to assist the Police in bringing the criminals to justice, and in making reports of crime, however from ignorance or ill-directed efforts or other causes they may fail, should be encouraged and helped by the Police in every possible way.

Great care must be taken that the Subordinate Police do not endeavour to throw off their own legitimate functions upon the landholders. This they will no doubt be inclined to do, especially in cases where their investigations fail. They will be apt to ascribe their failure to want of co-operation on the part of the mâlgoozar, and will sometimes perhaps accuse him unjustly of connivance at the crime and complicity with the Criminal Court; other times again they will be inclined to trust to landholders to perform their proper duties of pursuing and arresting an offender.

The Court of Nizamut Adawlut have reason to believe that an opinion is entertained by some of the magisterial authorities in these provinces, that in villages held by co-parcenary communities, the Lumberdars only are responsible for any breach of Police obligations that may occur therein, and they deem it proper therefore to intimate that such an opinion has been held by them to be inconsistent with what may fairly be understood to have been the intention of the Legislature in the various Regulations enacted for declaring and defining the duties and responsibilities of landholders in matters connected with the Police, and that Putteedars, though not Lumberdars, are equally liable with Sudder Mâlgoozars or Lumberdars to penalties provided by the enactments in force, for all acts of a criminal nature of which they may be proved to be guilty in connection with these duties.—*Agra S. N. A.* 1210 *of* 1853.

N. W. P.

EMIGRATION.

ACT No. VII OF 1871.

3. In this Act—

"Emigrate" denotes the departure of any Native of India out of British India for the purpose of laboring for hire in some other place; and the word "Emigrant" denotes any Native of India under engagement to emigrate:

"Magistrate" denotes any officer exercising the full powers of a Magistrate, and in charge of a district, a division, or a sub-division: (*See C. P. C., ss.* 39, 40, *p.* 34).

"Vessel" includes anything made for the conveyance by water of human beings or property.

16. The Protector of Emigrants at each of the three ports aforesaid, and the British Consular Agent at each of the French ports in India, shall license so many fit persons (*a*) as to him seems necessary, to be recruiters of laborers,

and no person shall act or be employed as a recruiter of laborers, except under a license from a Protector of Emigrants or British Consular Agent.

(*a*). The Government of Bengal has directed the Protector in future not to issue licenses to recruiters for the Mofussil (excepting only to such persons as are known in Calcutta or with whose character he has himself the means of becoming acquainted) without previously consulting the Magistrate of the district in which the recruiter ordinarily resides. *Replies to these references should be rendered with all possible expedition* (C. O., N. W. P., 39 A of 1871.)

17. Every recruiter shall be licensed to obtain laborers for some particular place to which emigration is lawful under this Act, and no license to obtain laborers for any place shall be granted, except on the application of the Emigration Agent of such place.

18. No license shall be in force for a longer period than one year; and in case of misconduct on the part of any recruiter, the Protector of Emigrants may cancel his license before the expiration of the period for which it was granted.

19. Every license shall be in the form set forth in the second schedule hereto annexed.

For every license there shall be paid to the Protector a fee of fifteen rupees.

20. Every person holding a license as a recruiter of laborers shall wear a badge bearing the following inscription in English and in the vernacular language of the town, district or districts in which he is licensed to engage laborers:—"Recruiter of Emigrants for the Mauritius" (*or other place as the case may be.*)

21. No recruiter shall engage or attempt to engage laborers in any district or in the towns of Calcutta, Madras, or Bombay, without having first exhibited his license to the Magistrate of such district, or a Magistrate of such town, and obtained the countersignature of such Magistrate thereupon.

Such countersignature shall be given, provided that the license is in force at the time (*b*).

(*b*). Magistrates have *no option* but to countersign a recruiter's license that has been passed formally by the Protector of Emigrants at Calcutta. Should he send a license containing a so-called "note of warning" (to the effect that being unable to satisfy himself of the recruiter's fitness he requests the Magistrate to inquire into the recruiter's fitness or his conduct before affixing countersignature) it should not be passed, but returned with a report on the man's character.—*C. O., N. W. P.*, 38 *A of* 1871.

V.—Contracts with Emigrants.

22. Except under and in conformity with the provisions of this Act, it shall not be lawful to make any contract with any Native of India for labor to be performed in any place beyond British India, or to enable any Native of India to emigrate, or to assist any Native of India in emigrating:

provided that nothing in this Act shall apply—

to any contract with any Native of India for labor to be performed in any Foreign Settlement on the mainland of India or in any Native State in India;

to emigration to any such Settlement or State;

to any contract for labor to be performed in, or to emigration to the Island of Ceylon; or

to any contract with or the emigration of any Native seaman or other person who of his own free will contracts to navigate or serve on board of any vessel, or who embarks on board such vessel in pursuance of such contract, or any person who contracts to serve as a menial servant only, and who embarks as such menial servant.

23. Contracts may be made with Natives of India to emigrate—

to any of the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts, and Seychelles;

to any of the French Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana; and

to the Danish Colony of St. Croix;

and it shall be lawful to enable or assist any Native of India to emigrate to any such Colony.

24. The Governor-General in Council may, from time to time, by notification published in the *Gazette of India*, declare that the emigration of Natives of India shall be lawful to any place other than the places mentioned in sections twenty-three, &c.

25. From the date of any such notification contracts may be made with any Native of India for labor to be performed in any place to which emigration is authorized in the notification, and it shall be lawful to enable or assist any Native of India to emigrate to such place;

but all contracts and emigration under such notification shall be made and conducted subject to the provisions of this Act.

26. Emigration shall not be lawful except from the port of Calcutta, the port of Madras, or the port of Bombay.

VI.—Registration of Emigrants.

27. Every Native of India, who in any place other than the towns of Calcutta, Madras, or Bombay, enters into any engagement with a recruiter to emigrate, shall, before leaving the district within which the engagement was entered into, appear with the recruiter before a Magistrate, and no recruiter shall remove such emigrant from the said district until he has so appeared.

Upon so appearing, the Magistrate shall examine the intending emigrant with reference to his engagement; and if it appears that he understands the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Magistrate shall register, in a book to be kept for the purpose, in such form as the Local Government prescribes,

(*a*) the name, name of the father, and the age of such emigrant,

(*b*) the name of the village or place of which such emigrant is a resident,

(*c*) the emigration depôt to which it is intended he shall proceed, and

(*d*) the rate of wages and period of service, if any, agreed upon between the emigrant and the recruiter.

If the Magistrate thinks that the intending emigrant does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name.

A copy of every registration under this section written on substantial paper which shall not require a stamp, shall be furnished by the Magistrate to the emigrant registered (*a*).

(*a*) *Vide* note at the end of the Act, and also s. 3, p. 738. *Any* Magistrate will not do; *it must be one mentioned in s. 3, or s. 85, p. 741.*

28. Authentic copies of every such registration shall be forthwith forwarded by the Magistrate to the Emigration Agent at the depôt to which the person named therein has been engaged to proceed, and to the Protector of Emigrants at the intended port of embarkation.

31. For the registration of every emigrant, under section twenty-seven or twenty-nine, the recruiter shall pay to the Magistrate or the Protector of Emigrants, as the case may be, a fee of one rupee and eight annas.

On proof of the desertion of any emigrant before embarkation, the fee paid in respect of such emigrant may be refunded by the Magistrate or the Protector to the recruiter by whom it was paid, under such rules as are from time to time made in that behalf by the Governor-General in Council.

VII.—Conveyance of Emigrants to Depôts.

32. (1) Every emigrant recruited under the provisions of this Act shall be conveyed by land or river with all convenient despatch to the depôt at the port of embarkation established by the Emigration Agent of the place to which such emigrant has contracted to emigrate.

(2) The registered emigrants engaged by any recruiter shall, while proceeding to a depôt, be accompanied throughout the journey either by the recruiter himself or by a competent person appointed by him with the approval of the Magistrate by whom the emigrants have been registered. The Magistrate shall give to the person so appointed a certificate under his signature, stating that he has been appointed for the journey to the depôt.

(3) Every recruiter by or through whom emigrants may be forwarded to a depôt shall, throughout their journey, provide them with suitable lodging and food.

45. If any emigrant, without sufficient cause, refuses or neglects to embark when called upon by the Emigration Agent so to do, it shall not be lawful to compel such emigrant to embark or to put him on board ship against his will, or to detain him against his will at the depôt or elsewhere; but nothing in this section shall diminish or affect the civil or criminal liabilities which such emigrant incurs by reason or in respect of his refusal or neglect aforesaid.

Every case in which an emigrant is charged before a Magistrate of Police in a Presidency Town, with refusing or neglecting to embark without sufficient cause, shall be heard and determined by such Magistrate in a summary manner, and every such laborer shall, on conviction, be punished in the manner provided in section four hundred and ninety-two of the Indian Penal Code for the punishment of offences under that section.

62. The Governor-General in Council may, from time to time, by notification in the *Gazette of India*, increase any fee payable under sections eleven, nineteen, and thirty-one, and may also in like manner reduce to its present amount any fee so increased:

Provided that no fee shall be increased under this section by more than double such amount.

67. All contracts of service made with laborers emigrating to French Colonies under this Act, except the contracts mentioned in clause four of Article IX, and clause two of Article X of the said Convention, shall be made in India, and shall bind the emigrant, either to serve a person designated by name, or to serve a person to whom he is allotted by the proper authority on his arrival in the colony to which he emigrates.

The contracts of service shall be in accordance with the terms of the said Convention, and shall make provision for—

(1) The duration of the engagement, at the expiration of which the emigrant shall receive a return-passage to India at the expense of the French Government, and the terms on which he may abandon or renounce his right to a free return-passage.

(2) The number of days and hours of work.

(3) The wages and rations, as well as the rate of payment for extra work, and all the advantages promised to the emigrant.

(4) Gratuitous medical treatment for the emigrant, except in cases where, in the opinion of the proper Government officer, his illness has arisen from his own misconduct.

(5) In every contract of engagement there shall be inserted an exact copy of Articles IX, X, XX and XXI of the said Convention.

69. The Governor-General in Council may, by order to be published in the *Gazette of India*, extend this Act to any other French Colony not expressly named herein, at which a British Consular Agent is established and to which the application of the said Convention shall be extended, and in such order may declare the probable length of the voyage to such Colony.

Such declaration shall have the same effect as if it formed part of this section.

81. All the powers vested by law in the officers of customs in regard to the searching and detention of vessels, or otherwise, for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention of the illegal embarkation of emigrants on board vessels bound for any place to which emigration is lawful under this Act, and of other offences against this Act.

85. The local Government may from time to time authorize any person invested with the powers of a Magistrate, as defined in the Code of Criminal Procedure, to perform the duties and exercise the powers by this Act assigned to and conferred on the Magistrate of the district.

Every person so authorized shall in all respects for the purposes of this Act be deemed to be included in the words "the Magistrate."

This examination is to be no perfunctory one, it is not enough, that as in many cases a gang of 30 or 40 be brought up in a room, and in reply to an off hand question, shout unanimously and with apparent sincerity. "Han Sahib, khushy se jate hane." *Bonâ fide* emigration is to receive all due countenance from Magistrates, but at the same time every precaution must be taken to ensure its being *bonâ fide*.

Examining Magistrates must convince themselves—

1. That each individual emigrant is actually willing to emigrate.
2. That he fully understands his destination.
3. That he has a clear idea of the terms offered.

(*N. B.*—Eight annas per diem does not necessarily command the same value in a colony as in India, but usually much less, and the emigrant should understand this.)

Where there is true willingness, *nothing should be allowed on the part of any official* which may discourage or thwart the recruiter's free-will.

Especial care (C. O. 27 A. of 1871) is required in the case of female emigrants owing to the great difficulty experienced in making up the prescribed proportions for each shipment of emigrants 340 women to every 100 men. This offers great temptations to recruiters to kidnap women; all precautions should be taken to make certain that women thus brought fully understand the condition of their engagement.

It would further seem from the tenors of letter No. 91 of 1871, Department of Agriculture, &c., C. O. 8 of 1872, Lower Bengal (N. W. P., 534 B.), and other similar documents, that it is incumbent on registering Magistrates to take care that emigrants really understand the term of the Contract they are entering into.

As regards the Mauritius, Magistrates may enter in the register, and in the extracts given to intending emigrants, the rate of wages which the agent for the colony has authorized his recruiters to offer.

The authorized minimum rate of wages for a male bodied adult is Rs. 4 per month besides free rations, rising by annual increments to Rs. 6 and free rations in the fifth year.

	First Year.	Second Year.	Third Year.	Fourth Year.	Fifth Year.
Wages of New Immigrants.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
From 10 to 11 years of age inclusive ...	2 8 0	3 0 0	3 8 0	4 0 0	4 8 0
„ 12 to 14	3 0 0	3 8 0	4 0 0	4 8 0	5 0 0
„ 15 to 17	3 8 0	4 0 0	4 8 0	5 0 0	5 8 0
„ 18 upwards ...	5 0 0	5 8 0	6 0 0	6 8 0	7 0 0
Immigrants who come back to Mauritius after return to India.					
From 14 to 17 inclusive ...	4 0 0	4 8 0	5 0 0	5 8 0	6 0 0
18 upwards. ...	6 0 0	6 8 0	7 0 0	7 8 0	8 0 0

Allowances.

Immigrants over twelve years of age, rice 1½ lbs per diem, or maize from 2 to 5 lbs. per diem. Dall, 8 oz.; salt-fish, 8 oz.; ghee or oil, 4 oz.; salt, 4 oz., per week.

Under 12 years of age, three-fourths of the above.

These rates and scales may be entered in the register, &c., provided no higher ones are specially offered by the agent at any particular time, but none lower than the minimum should ever be entered.

Women can, if they choose, earn about four annas a day and rice, but they generally marry.

For *Jamaica*—

The following daily rates will be entered (*minimum*):—

Adult male labourers, 8 annas; Female of any age, 6 annas; Lad between 12 and 16, 6 annas

Part of the above is given in money, and part in food.

For the remaining colonies, save the French, the wages column must be left blank.

N. B.—In Jamaica, a man earning five shillings a week would have barely a full subsistence for himself alone.

This should be clearly explained to intending emigrants.—(C. O. 91 of 1871, D. A. &c.)

Emigrants to French Colonies can only be sent under contract, specifying wages and other particulars provided for in Section 68.

Schedule of Offences punishable under Act VII of 1871.

Section.	Offences.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
71	Making any contract with any native of India for labor to be performed in any place beyond British India to which emigration is not authorized under this Act, except under and in conformity with the provisions of this Act.	Emigration Agent or Protector of Emigrants or Officer appointed for the purpose by the Local Government. In the N.-W. P., the District Superintendent (Police) of the District.	C.	W.	N. B.	Shall be deemed to have committed an offence under S. 363, P. C. S. 363, P. C. Imprisonment of either description not exceeding 7 years and fine.	Court of Session, or Magistrate of the 1st class. (See Ss. 3, 85).	All fines to be recovered as prescribed by S. 307, &c., in C. P. C.
	Knowingly enabling or assisting any native of India to emigrate to any such place, or aiding, or abetting in such emigration.		"	"	"	Punishment according to the degree of abetment. See Schedule C. P. C. (Ss. 109—116) (pp. 434, &c.).	Ditto.	
72	Not being a recruiter duly licensed under this Act, and acting or being employed as a recruiter of labourers, or contrary to the provision of the Act entering into any contract with any native of India for labor to be performed by such native in any place beyond British India.		N. C.	S.	B.	Fine not exceeding Rs. 500 ...	Ditto.	

Schedule of Offences punishable under Act VII of 1871.—(Continued.)

Section.	Offences.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
73	Being a duly licensed recruiter and removing any emigrant engaged by him in any place other than the Presidency towns from such place, without such emigrant having appeared along with the recruiter before a Magistrate, in order that he might be examined and registered.	appointed for the purpose by the Local Government.	N. C.	S.	B.	Fine not exceeding Rs. 500 ...	Magistrate of the 1st class. (Ss. 3, 85).	
	Any person removing any emigrant engaged by him in any one of the Presidency towns from such town or to an emigration depôt without such emigrant having appeared with the recruiter before the Protector of Emigrants for examination and registration;		"	"	"	Ditto	Ditto ...	All fines to be recovered in the manner prescribed in the C. P. C. See S. 307, &c.
	and whoever by means of intoxication, violence, fraud or false pretences induces any native of India to enter into a contract					Ditto	Ditto.	

	for labour to be performed by him in any place to which emigration is lawful under this Act, or to proceed to any such place without having entered into any contract;	Emigration Agent or Protector of Emigrants or Officer					
	and whoever fails to supply any emigrant whom he has engaged, and who is registered, with suitable food, or otherwise ill-treats such emigrant on his journey to the depôt;				Ditto	Ditto.	
	and whoever forwards, sends or conveys any such emigrant otherwise than is provided in section thirty-two, or to any house or place in or near the towns of Calcutta, Madras, or Bombay, respectively, other than the depôt for the emigrants for the place at which such emigrant has contracted to labour.				Ditto	Ditto.	
74	Whoever being a duly licensed recruiter, forwards or sends any emigrant from the district or town in which he has entered into an engagement, to any emigration depôt without such emigrant having been duly registered in accordance with the provisions of sections twenty-seven and twenty-nine;				Ditto	Ditto.	

Schedule of Offences punishable under Act VII of 1871.—(Concluded.)

Section.	Offences.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS
	and whoever, being a duly licensed recruiter, induces or knowingly permits any such emigrant to leave such district or town, or to proceed to any emigration depôt, for the purpose of emigrating to any place, without the emigrant being duly registered as aforesaid.	As under previous Sections.	N. C.	S.	B.	Fine not exceeding Rs. 500 ...	Magistrate of the 1st class. (See Ss. 3, 81).	Fine to be recovered as prescribed in S. 307, &c., C. P. C.
75	Whoever, without lawful authority, issues any written order to the Police to assist himself or any other person to procure labourers to proceed to any place beyond British India, or falsely represents that such labourers are required by the Government or are to be engaged on behalf of Government.		"	"	"	Ditto	Ditto.	

EPIDEMICS.

Central Provinces' Police Circular 75 of 1862.

The Chief Constables in charge of Station-houses to be careful to note in their Roznamchas the appearance of any epidemic, such as cholera, small-pox, or fever, within their respective circles, also the time of the first appearance of any such disease, the number of persons attacked, and the number of cases that have proved fatal, as far as they can ascertain them, as well as any peculiar circumstances which they are led to believe may have caused or contributed to cause the outbreak in any particular locality at a particular time. They must not report such occurrences upon insufficient grounds, and it is only when any disease shows itself with greater frequency and virulence than ordinary, and appears to be spreading, that notice is to be taken of it, excepting in cholera,—all cases of which, that come to their knowledge, should be reported.

Central Provinces Government Book Circular No. X of 1871.

Reports to be made on the outbreak of Cholera.

The principal facts to be ascertained and reported on the outbreak of cholera in any town or village are—

1. The date on which the first person was attacked, and his (or her) name, caste, sex, and age, and whether a resident or traveller.
2. If he (or she) had lately arrived from any other locality, the date of his (or her) arrival, the place from which he (or she) had come, and the route by which he (or she) had travelled.
3. If the person first attacked is a resident of the town or village, inquiries should be made whether he (or she) had held communication with pilgrims or other travellers.
4. If other cases follow, it should, if possible, be ascertained if they had held any communication with the first person attacked.
5. The sources of the water-supply, its quality and quantity, and the general condition of the village, whether it is clean or otherwise.

District Superintendents will furnish these reports with despatch and accuracy whenever their districts are visited by cholera.

Punjab Police Circular XX of 1872.

Deaths by cholera to be reported by District Superintendents of Police direct to Inspector-General's Office by the speediest mode available.

The telegraph to be used for reporting daily total increase or decrease of the disease, and written statements to be submitted direct daily.

During the prevalence in any district of epidemic cholera, a daily report is to be submitted by the District Superintendent in the annexed form:—

Police Department. District.

Report showing the Prevalence of Cholera in this District.

1	2	3	4	5	6	7	8	9	10	11
Name of Police-station.	Name of Village.	Date of Report from Police-station.	Total No. of Cases of Cholera reported to have occurred this year, excluding today's Report.	Fresh Cases of Cholera reported this day.	Total of columns 4 and 5, *i. e.*, total Cases up to date.	No. of Recoveries in Cases mentioned in column 6, *i. e.*, in total cases.	Total Deaths from Cholera this year, excluding today's Report.	Fresh Deaths from Cholera reported today.	No. of Persons still ill with Cholera.	Remarks.

Dated the 18 . *Dist. Supdt. of Police.*

Circulars 23 and 39 of 1872 prescribe monthly returns also which have to be submitted.

ESCORTS.

Bengal Police Escort Rules will be found in Circular I of 1871.

I.—They are to be furnished on indent by competent authority. One clear day's notice to District Superintendent should ordinarily be given; if to go beyond district limits, 48 hours; if into North-Western Provinces, three clear days. Urgent escorts to be supplied, if in any way possible, at a moment's notice: they should ordinarily be relieved at the several District head-quarters *en route*. Early intimation to be sent on by District Superintendent of original escort to the other District Superintendent.

II.—District Superintendent never to despatch or receive for despatch treasure or prisoners until they are sure arrangements have been made to receive them at the arrival station.

III.—Police Officer detaching escort parties are left discretion to direct or not that original guard shall remain in charge all the way. Escorts travelling by rail or steamer not to be relieved, as a rule, *en route*. District Superintendent of Patna to relieve escorts to or from North-Western Provinces. Telegraph may be used in urgent cases for warning of despatch, &c. Rail to be used as much as possible.

IV.—Officer who supplies escort is responsible for due performance, and will determine proper strength of party.

ORDINARILY

For Prisoners.

For 1 to 3 prisoners, 2 constables.
For 4 to 6 prisoners, 3* "
For 7 to 12 prisoners, 1 head, & 4 constables.
For 13 to 18 prisoners, 1 head, & 6 constables.
For 19 to 24 prisoners, 1 head, & 8 constables.

And so on in proportion both for head and ordinary constables. For notorious criminal or State prisoner, left to discretion of District Superintendent. European Inspector, when practicable, to escort European prisoner.

For Treasure.

For Rs. 1 to 30†, 1 constable of integrity, or, if not available, 2 constables.
For Rs. 30 to 250†, 2 constables.
For Rs. 250 to 500†, 3* constables,
For Rs. 500 to 1,000, 4 constables.
For Rs. 1,000 to 10,000, 1 hd. constable and 4 constables.
For Rs. 10,000 to 1,00,000, 1 hd. constable and 8 constables.
For Rs. 2,00,000 to 3,00,000 1 Sub-Inspector, 2 hd. constables, and 16 to 20 constables.

And so on, for each lakh more, 4 constables more, and officers in proportion.

By rail, one head constable and two constables sufficient; but during transit of treasure to and from van, full guard to be suppiled.

By steamer, one head and six constables, armed, for any amount not exceeding one lakh. Guard to furnish one sentry by day and two by night. Over one lakh, guard to be increased in proportion till maximum of twelve constables is reached.

In case of copper coin, no Police guard need accompany; it will be made over to Captain by Police Officer who escorts it on board. Captain will sign receipts, prepared and furnished by despatching officer: this receipt will be forwarded by District Superintendent to District

* One of these to act as head constable.
† To be carried by Police themselves, no cooly allowed.

ORDINARILY

For Prisoners.

For Treasure.

Superintendent at destination. He will, on arrival of steamer, depute a proper guard, who will take charge and give receipts.

Well-drilled up-countrymen to be chosen; sowars when available, and thought necessary, to accompany; carriage arrangements to be made by indenting officer; treasure and prisoners, *as a rule*, never to go together. Funds for payment of all tolls to be advanced. District Superintendent will pay expenses of escort, but all other to be borne by indenting officer. When Police travel in same compartment as convoy, then Police Department may be called on to pay part of the expense.

For Prisoners.

In cases of crime committed on East Indian Railway premises, prisoner and Railway servants to be conveyed free of charge; otherwise, prisoner and Police escorts are at State expense East India Railway Station-Masters will give passes and receipt for the fare, subject to future adjustment by Police Department.

Expense of prisoner in transit from out-station to head-quarter, and prisoner temporarily made over to Police, will be defrayed by Magistrate.

Ten pice a-day allowed to each approver who may have to move his family when transferred from one district to another.

For Treasure.

Regular escort charge incurred on account of Police will go under Escort Charge in Police District Contingent Bill.

Regular guards of one head constable and four constables or more will, when escorting treasure or prisoners otherwise than by rail, carry loaded carbines and ten rounds of balled cartridge with caps; otherwise only batons to be used.

For Prisoners.

In all large escort parties, a few should carry batons only, to grapple with escaped convicts, &c.

For Treasure.

Remittances from one part of district to another, ordinarily to be made only twice a month, between 1st and 3rd, and 15th and 17th.

Where Moonsiff's Court exists, Judge will fix a day for transmission. Moonsiff to give notice one day previous at Police station, and then on the day appointed, Police Officer in charge will go to Moonsiff's cutcherry with a guard, receive charge of the money, make it over to guard with memorandum of amount at once, and proceed to treasury or subdivisional treasury.

In the month if a second remittance has to be made, the same procedure will be followed.

ORDINARILY

For Prisoners.

For Treasure.

Small amounts will be counted in presence of officer in charge, and placed in a bag, which will then and there be sealed and made over to guard, who will forthwith proceed to destination. Officer in charge to have a memorandum of the amount. The bag and seal to be inspected in presence of Police officer by treasury officer to whom addressed, and if bag and seal show no sign of being tampered with, Police officer will only be held responsible for total amount. For remittance in copper coin over 6 seers and 1 pow, coolie labour to be employed.

On receipt of indent, District Superintendent will fill up printed order on reverse, and send it for execution to Reserve Officer, together with duty-certificate and necessary advance.

The officer deputed must always be given duty-certificate in which will be written all the names of the escort and amount of advance given.

The Reserve Officer having seen all the men detailed are fit, &c., to despatch the escort in good time and report by filling up memorandum to District Superintendent.

When escort goes by boat or road, and night will intervene, one lantern with sufficient oil, or funds to procure it, to be furnished for every four men. These to be taken care of and returned. Officer in charge of escort to march his men punctually to place appointed, and present himself to Indenting Officer for orders, which he must carry out to the letter.

District Superintendent responsible that the officer deputed knows the necessary duties. Officer in charge not to move without written instructions from Indenting Officer.

For Prisoners.

Officer in charge of jail to give detailed instructions as to treatment and feeding of prisoner in transit; time of departure; route; jails at which to halt; date of reaching those jails, and of reaching final destination. Any departure from instructions to be noted by Jail authorities on the back of receipt given by them.

Officer in charge to receive following papers from Jail authorities:—

A.—Written instructions.

B.—Original warrant of all in convoy.

C.—Vernacular lists of names of prisoners; dangerous characters to be noted.

D.—Antecedent of each transferred prisoner.

E.—Medical certificate of fitness of each to travel.

F.—List of clothing, cooking utensils, &c., which must be duly delivered at destination.

All papers received to be shown by officer in charge to officer in charge of jail, where halt *en route* is ordered.

For Treasure.

Treasure to be packed in boxes of well-seasoned wood; each box to contain five bags of Rs. 1,000 each; to be screwed and bound with hoops rivetted to each other where they cross; to be numbered separately; and have name of despatching treasury and destination written clearly on box and gunny cover.

Each box to be sealed and weighed at time of despatch, and weight entered in remittance invoice, and in receipt of officer in charge. A similar weighment to be made at whatever treasury they are given over, and note of weighment to be entered in receipt of officer in charge.

Remittances sent by steamer to be weighed and noted when put on board steamer in presence of agent of treasurer, if such be in attendance. Officer in charge to give receipt.

Received from A B, of C D, in good order and duly sealed, marked, and numbered, for delivery to E F, of G H., *viz.*:—

Marked A 1, a box weighing —— mds. —— srs. —— chs., said to contain Rs. 5,000 and valued at Rs. ——

(and so on for each box).

ORDINARILY.

For Prisoners.

Before taking charge officer in charge to see all handcuffs and fetters in good order, and that no prisoner can slip them off. Repeated examination to be made at each halt and resumption of journey.

He should also receive two pair of removeable leg shackles as temporary substitutes for handcuffs when prisoners ease themselves during journey. Convicts in transit to be securely handcuffed two and two, any odd prisoner having a pair to himself. For dangerous characters, special measures.

Persons arrested by Police for transmission to Magistrate not to be restrained more than necessary to prevent escape.

In heinous cases handcuffs; in non-heinous, no handcuffs, unless they are violent, and then only by order of officer in charge of station.

Witnesses sent in under arrest to be treated as those arrested under civil process.

Every prisoner to be forwarded direct to nearest Magistrate having jurisdiction, not to superior Police officer.

Officer in charge to keep handcuff keys.

In transferring convict-approvers from one district to another, treat them as ordinary prisoners; they need not, however, be ironed.

Exception may be made in favor of age, sex, infirmity, when their custody is easy and secure.

For Treasure.

When any water transit in view, each box to have a piece of unsplit bamboo about 3 feet long and 9 inches circumference, with rope not less than 20 cubits long, one end fastened to box and one end to orifice in buoy. Length of rope may be increased according to known depth of rivers to be crossed; rope to be loosely coiled on box, not wound round it.

Officer in charge to keep convoy close and place Police on rear and flank: the officer in charge to remain in rear. Guard's firearms to be loaded in presence of prisoner and treasure cart-drivers. Escorts never to travel by night except when on boat or under special instructions. If possible, Police-station or outposts, or other secure places, to be used as halting-places for the night.

Never allow communication between outsider and prisoners or treasure cart-drivers. Officer in charge to inform Police of any station he passes, that, if necessary, men may be deputed to accompany escort to next station or outpost *en route*, to prevent communication with outsiders or surreptitious thefts.

For Prisoners.

Prisoners going whole or part of journey by road not to march more than 20 miles, or less than 10 miles, in one day ordinarily.

Any prisoner falling sick *en route* to be made over with original warrant to nearest jail *en route* (whether such jail is in his order or not), take a receipt for him, and then go on with the rest.

For Treasure.

Treasure on arrival to be placed in treasure van, and key given to officer in charge, who will see van securely locked and not opened till arrival of guard to receive it. Despatching officer provides padlocks.

Officer in charge to report arrival at each station *en route* where there is a treasury, so that treasury officer may exa-

ORDINARILY

For Prisoners.

Sick prisoner coupled to another to be detached, and the other to be coupled to an odd prisoner or wear the pair of handcuffs himself.

If cholera appear on march, either among prisoners or guard, halt immediately, and apply for orders to nearest Magistrate.

If one prisoner die, report fact to officer in charge of nearest Police-station and officer of nearest jail or subdivision of district, and make arrangements for due custody of corpse by chowkeydar of place where death occurs. Officer in charge of station, to whom death is reported, will dispose of corpse in usual manner, unless suspicion of foul play. When an escape takes place, give prompt notice at nearest Police-station and to officer in charge of jail or sub-division lying *en route*, and proceed with the rest.

Escorts to fire only—

When murderous attack is made on any person, and cannot otherwise be prevented, and places the attacked in imminent danger of death or injury.

Combined or forcible attack made on escort, or similar attempt to break loose.

Escorts not to fire without order from officer in charge, unless obliged to do so in self-defence.

An escort discovering prisoner surreptitiously attempting to escape to give the alarm, but not to fire.

If halt necessary for purposes of nature, all must halt: not more than two prisoners at a time to be detached, and they to be first shackled, then handcuffs removed and allowed to go not more than 12 paces from the escort. Halting-place to be in clear and open place of ground: again on return to be handcuffed and then unshackled.

Prisoner to be made to understand that only two halts in addition to that for cooking and eating food will be allowed in one day. Prisoner to have sufficient supply of dry provisions to last the journey if not longer than three days. Funds to be given for any further supply. Officer in charge responsible for their disbursement and for receipts from persons who have sold him the supplies.

Prisoner allowed to eat twice a day, once when halted for the night, and once as described below.

For Treasure.

mine and satisfy himself of appearance, &c., of boxes. He should note his examination on the invoice of remitting officer. No need to examine contents at such intermediate treasury.

ORDINARILY

For Prisoners.

A Police-station or outpost lying *en route* to be selected as halting-place, but not a jail or lock-up, unless so mentioned in the orders. All feeding expenses to devolve on Police escort. Great care to be taken to prevent escapes.

On River Steamer will report to, and be advised by, commander of the steamer or flat.

By rail, when placing prisoner in the train, officer in charge to examine and satisfy himself that irons, &c., are secure.

Prisoners to be kept together if possible in one compartment of third class carriage with proper proportion of guard. Guard to have sword and baton, but never carbine. Officer in charge with a reserve to occupy next compartment: if carriage not divided into compartments, whole guard must occupy same carriage with prisoners. On arrival of train at larger stations, officer in charge to get out and see that Police are vigilant, and proper discipline among the prisoners. Prisoner leaving train for necessity to be accompanied by two of the guard: never more than two to be allowed out at one time, and only one when guard does not exceed four. If rules cannot be adhered to, wait till next train, and arrange for proper accommodation.

Officer in charge to arrange so as to deliver prisoners at Alipore some time during daylight.

Prisoner escort passing through Howrah *en route* to Alipore, officer in charge must report to Magistrate, and be guided by his instructions, which should be noted on back of the original order.

For Treasure.

Officer in charge making over charge to take duplicate receipt, give one on return to District Superintendent, and keep the other as personal acquittance.

For Prisoners.

Escapes on coming to knowledge of District Superintendent, to be immediately reported by him to Deputy Inspector-General of his circle. Steps taken to effect re-capture with circumstances of case should follow.

In case of lunatics,

—Civil Surgeon to furnish certificate of actual condition of patients, health at time of despatch. Copy of this to be given to guard.

For Treasure.

In case of treasure receipt should correspond in every respect with that given to despatching officer by officer in charge of escort.

Officer in charge responsible for handing over boxes, &c., given to him with unbroken seal, untampered with and as given to him. He should refuse to take charge of any package not properly secured, &c.

Wherever suspicion of tampering, it should be opened and examined at once

ORDINARILY

For Prisoners.

District Superintendent to give the guard the most direct or best route; to instruct them to call at all Police-stations *en route.* The officer in charge of first station or superior Police officer, if it be a Civil station, to inspect the certificate, enter date of lunatic's arrival, apparent condition of health, especially noting any marks of violence, if any such; to copy entry at once into station diary: if any mark, to investigate fully, and report to head-quarters obtaining guard and forwarding lunatic, if able; and so on with every successive station. On arrival at the Asylum, all entries to be duly inspected, and entry of state of lunatic on arrival to be entered.

Guard not to be dismissed unless Superintendent of Asylum has seen certificate and compared it with lunatic's condition; the certificate then to be returned direct by post to Magistrate of District whence lunatic is despatched. Guard not to be detained more than 24 hours. If Superintendent is temporarily absent, certificate of Overseer or Native Doctor in charge to be given.

Escort to be marched back in a body, not allowed to break off or dawdle: to report themselves at each station they pass through.

For Treasure.

in presence of treasury officer and officer in charge. Strict inquiry made into any deficiency and at once reported by treasury officer to despatching officer.

NORTH-WESTERN PROVINCES.

Escorts for Ordinary Prisoners from one to another neighbouring Jail only.

One single prisoner	... 2	Constables.	
More than 1 to 10 prisoners	1	Head constable and 4 constables.	
10 to 15 do.	... 1	do.	6 do.
15 to 25 do.	... 1	do.	8 do.
25 to 50 do.	... 1	Chief constable, 1 head constable, 13 constables.	
50 to 75 do.	... 1	Chief constable, 2 head constables, 20 constables, 4 mounted constables.	
75 to 100 do.	.. 1	Chief constable, 3 head constables, 30 foot, 4 mounted constables.	

3. Escorts over prisoners under sentence of transportation must be regulated according to circumstances, the mode or conveyance, the character and importance of the prisoners, or any amongst them.

4. Any prisoner of great political character or importance should be guarded by the Police under the special care of an European Inspector.

5. In escorting prisoners, the officer in command should at all times be instructed—

1*st.*—To keep his prisoners together in one compact body.

2nd.—To place his Police in order at a distance of at least five paces from the prisoners, and on each flank and in the rear, the officer himself and half the force being in the rear.

6. Whenever prisoners under transportation, or in larger gangs than 50, are to be escorted, the party should be made to load their carbines in the presence of the prisoners, and this should be done wherever the original escort is relieved on the march.

Circular No. 3, *dated* 23*rd January*, 1862, *paragraphs* 4 *and* 5.

4. Guards escorting life-prisoners to be composed of trustworthy and disciplined men, under officers who can be relied upon to prevent any tampering with the men. The bundles and persons of the men of the guard, as well as of the prisoners, will be strictly examined, and any files or other instruments, which can be used to loosen or weaken the chains on the prisoners, will be taken away.

5. The officer in charge will report arrival of the party at each station *en route*, and the District Superintendent or senior Police Officer present will take the same precautions on relieving the guard, or renewing the inspection as ordered above, should the guard not be relieved—in either case reporting what he has done to the office of the Inspector-General of Police.

Circular Letter No. 2468 *of* 1871.

Guards travelling with prisoners by Rail shall in future be armed with revolvers (loaded), and not as heretofore with muskets. The above change has been introduced in communication with, and with the consent of, the Railway authorities. Men sent on this duty to be such as understand the use of the arm with which they will now be entrusted.

GUARDS—ESCORT OF TREASURE.

By Road.

Circular No. 1 *of* 1860, *paragraphs* 24 *and* 25.

24. Escorts appointed for watching treasure, or prisoners in transit from one place to another, will leave each point of departure at such hour as will secure their arrival at a station-house before sunset, so that on no occasion shall any part of the journey be performed during dusk. On arrival at the station-house the treasure or prisoner will be lodged in such manner as to ensure safe custody during the night; and the chief constable of the station will be jointly responsible for the security of the treasure or prisoners during the night.

25. The officer in command of an escort party is invariably to march behind the treasure or prisoners under transit, in order that he may see that every constable keeps up with the party, and marches in a proper and orderly manner.

N. B.—The above apply also to escort of prisoners.

In escorting treasure when conveyed by Government Bullock Train, the following rules will be observed in future:—

I.—Escorts with treasure conveyed by bullock train will be regulated in strength by number of wagons. A single wagon should have 1 head constable and 2 constables, and 2 additional constables for each wagon up to 4. Every wagon above four to have a second officer, and whenever a second officer is required, a chief constable to be one of the two.

II.—The guard is for protection of treasure from attempts to plunder by open violence. The firearms of the guard should be examined and loaded in the presence of the drivers.

III.—The officer in charge will see that all the wagons are kept together.

IV.—For protection from surreptitious theft, the train should be accompanied by two or more constables from stations on the road, each party being relieved at next station; one or two sowars also should accompany to the next "sowar" station.

V.—The Road Police should be warned when such duties will be required, and the Police attending the train be instructed by their officers to prevent any outsiders having communication with the drivers, &c., to prevent unnecessary stoppages in transit, and also to see that the wagons follow each other in close proximity.

By Rail.

Circular No. 1, *dated* 23*rd January* 1864.

When treasure or Government currency notes are remitted by Rail, two Police officers should be sent with them in company with the Collector's Treasury officer, to make over the treasure to the Police at the Railway terminus of arrival. A guard on such occasions is useless, as during transit they are unable to travel in charge of the treasure.

2*nd*.—Same as Bengal Escort Rule II.

3*rd*.—Treasure parties from districts off the line will not be relieved when the distance to the Railway point of departure is within one march. On such occasions the treasure will continue in charge of the officer of the guard until delivery on leaving the Rail at the terminal station.

The escort by Rail of treasure remittances in notes [P. C. 20 of 1864] will, like the escort by Rail of specie remittances, consist of two Police officers. These officers must be present at the packing up of the notes, and will have to sign the invoice which accompanies them.

3. Remittances of notes by roads will be escorted by a Police party, the strength of which will be in proportion to the value of the notes escorted. It will be the duty of the officer in command of such Police party to witness the packing of the notes and to sign the invoice accompanying them.

Each invoice should bear at foot a certificate from the Treasury Officer consigning the notes, that the parcel has been made up and sealed in his presence, and that he has personally ascertained that its contents correspond with the invoice. It should also be signed by the Police officer to whose care the parcel is entrusted.

"Instructions will be issued by the Police Department in regard to the guard to which consignments of notes should be entrusted. Such consignments need not be accompanied by a Potedar; the Police officers alone will be responsible for the custody and safe delivery of the parcels."

3. The strength of the guard employed in the conveyance of notes should be regulated in each instance by the Police authorities, who will determine what force they may consider necessary with reference to the number of parcels, the nature of the road by which the notes have to be conveyed, &c.

District Superintendents on receipt of intimation from a Superintendent of Police in the Lower Provinces to make immediate arrangements for relieving the guard of the strength and at the time noted in the intimation.

Police Circular 46 *of* 1867.

Railway charges of Police employed on escort of treasure may be drawn in advance from the treasury on presentation of an abstract signed by the District Superintendent. No more than is positively necessary should be drawn. The Railway charges can be easily calculated; and other miscellaneous expenses which cannot be exactly foreseen nor paid from the Rs. 50 permanent advance to be drawn on a recoverable advance to be adjusted as soon as the journey is completed.

2. If a District Superintendent on receiving an application for a treasure escort has not sufficient men in the lines, he should collect from the authorized guards and out-stations as many men as he can; and should even this measure fail to meet the requirements, he is at liberty to telegraph his inability to procure the escort at once to Head-quarters Office, in order that other arrangements may be made.

Escort guards to be allowed to Superintending Engineers and Settlement Officers when required from the reserve on their going into camp.

If the District Superintendent is unable to provide a guard he should give a certificate to that effect; this certificate to the Settlement Officer should be countersigned by the Magistrate.

No. 334 A of 1867; No. 496 of 1868.

PUNJAB.

Escort for Treasure.—Police Officer on hearing of the amount of treasure to be sent will communicate with District Officer or Commissioner, stating the number of available men and with him decide whether, considering the state of the country, the Police are strong enough for the duty. If agreed that they are not, Police Officer will go to officer commanding the troops, show him the exact strength of Police available, the state of the district through which the treasure has to be escorted, and the opinion of the Civil Magistrate in writing.

The Commanding Officer will supply the Military detachment, but they will be responsible only against external attacks.

Escorts to be invariably relieved as far as possible at the sudder station of the nearest district they pass through. Military authorities make their own arrangements, but the Police should endeavour to enable them to return upon the first opportunity.

No. 30 *of* 1861.

Police escorting treasure to carry out the following rules:—

I.—To keep the carts together.

II.—Sentries with loaded muskets to march alongside the treasure carts; the remainder of the guard on the carts.

III.—Along all the line of Trunk Road the mounted constables of the different posts to assist as far as their duty enables them—*Circular Order* 16 *of* 1863.

When escorts are allowed bullock train carts, each District Officer will arrange for the hire of bullocks in his own district and for relays by giving notice to all districts on the road.

Police guard will be responsible for the safe custody and return of the carts; they should find out from the postal authority furnishing the carts and make them over to any person as directed by him, obtaining a receipt for the same. The bill for the cost of the escort all the time that it is absent will be presented by the District Superintendent of the despatching district to the Deputy Commissioner thereof.—116 *of* 1863.

Remittances, wherever roads for wheeled vehicles exist, should be made in tumbrils or carts drawn by relays of bullocks.

Where considerable amounts are removed on the line of Grand Trunk Road from Delhi to Peshawur, Deputy Commissioners of the various districts, when making arrangements for the relays of bullocks, are authorized to entertain a surburah to be in waiting at the different stations in their districts. These surburahs will be despatched by Deputy Commissioners to arrange for bullocks as soon either as a remittance is ordered from their district or intimation received of one about to pass through. They will be paid at about double the rate usually paid to dâk surburahs and more if Deputy Commissioners specially authorize to do so. Their expenses to be billed for by the district making the remittance. Surburahs only to be entertained on the Grand Trunk Road unless their employment is sanctioned on other roads.

Where distances are short, and remittances only one day in transit, bullocks to be kept on the road, and carts and tumbrils to be sent back at once with the Police guard. Where they are long, carts to be returned as quickly as possible by double marches: Police guard accompanying or not as Police officer determines.

In all remittance made under these rules for more than 50 miles in carts and from one district to another, a charandar should be employed at 4 annas per diem. His duty is to see the wheels of the carts properly greased, &c., and generally that the carts are quickly and safely returned. For smaller distances it is optional to entertain one.

Remittances to be made both in tumbrils and carts, an equal number of each where practicable. For Rs. 25,000 one cart sufficient.

No box to contain more than Rs. 5,000, and to be securely packed.

Where railway available it is always to be used (Circular Order 14 of 1870). Where Regular treasure vans available the money will be packed into it as into tumbril; but all packing, &c., should be done in broad daylight. Arrangements to be made for a proper guard at the terminal, and treasury officer to be present on each occasion.

Notes.

Two trustworthy Policemen to be sent with all despatches of Notes—*Police Circular Order XVIII of* 1869.

Notes to be sent by the cheapest mode of rapid conveyance available—*Circular Memo.* 2573 *of* 1869.

Police in future to pay travelling expenses of escort over Notes—*XXV of* 1872.

Rules to be observed when escorting Prisoners in Oudh and the Punjab.

I.—All persons (except those exempted under rule 12) charged with non-bailable offences, to be handcuffed when arrested, and a rope or other secure fastening attached to the handcuff on the right hand of the prisoner, and held in the hand of the constable.

II.—Handcuffs never to be removed except when the prisoner is within a secure place of confinement, or within a building from which escape is impossible. If for the purpose of nature it is imperative to allow one hand to be at liberty, the handcuff of the left hand may be removed, but that only, the constable still to continue holding the rope which is attached to the handcuff on the right hand. If a prisoner is violent, or a noted bad character, or has previously escaped from custody, or is accused of a very heinous offence, and is strong and able to offer serious resistance, then the hands must be handcuffed behind the back.

III.—When a prisoner is to be taken from the Lock-up or Jail to go before a Magistrate, or for any other purpose, handcuffs must be put on him before he is taken outside the said building.

IV.—Prisoners when in Court before the Magistrate are still to remain handcuffed, unless the Magistrate orders the handcuffs to be taken off.

V.—Noted bad characters when on trial before the Magistrate to be carefully watched by the Police, in order that any attempt at violence may be at once repressed.

VI.—Police actually in charge of the prisoner, and as it were holding him, standing close to him in Court, are not to have their swords; prisoners have been known to snatch weapons out of the hands of the guards; but the Police a few paces in rear to be adequately armed.

VII.—The station letter to be engraved on all handcuffs belonging to that station.

VIII.—Keys of handcuffs to be kept by the senior Police officer in charge of the prisoners.

IX.—When an escort of constables is changed, the handcuffs will be changed and taken back to the station they belong to; the change to be effected inside a building, or under circumstances where it is utterly impossible for the prisoner to escape whilst the operation is going on.

X.—On all desperate or old offenders at all likely to attempt an escape, leg-irons to be at once put on and never taken off under any circumstances so long as they are in the hands of the Police.

XI.—Police in charge of prisoners will be jointly held responsible that the prisoners are securely fastened as regards handcuffs, leg irons, &c., but of course the senior officer will be more especially responsible.

XII.—Exceptions to the above rules should be made in favor of prisoners, who by age, sex, or infirmity, are easily and securely kept in custody without handcuffs, &c.

In the Punjab only.

When escorting men who are charged with non-bailable offences, by Railway in ordinary passenger carriages, the Police must be careful to observe rule No. 1 of Cir. 29 of 1864, namely, to handcuff the prisoners, and attach a rope to the cuff on the right wrist to be held by one of the guard.

When the model Railway prison vans are used, there is no necessity to take the additional precaution of attaching a rope as prisoners cannot jump out of them. On arrival, however, at the end of the journey, ropes should be adjusted before the men are taken out of the carriage—*No.* 19 *of* 1867.

Police escorts from the Punjab, travelling by Rail *viâ* Umballa to the North-Western Provinces, will be relieved at Meerut. Escorts starting from Delhi will proceed as far as Allahabad. Similarly, escorts from the North-Western Provinces will be relieved at Umballa.

Prompt information, if necessary, by telegram, should be sent to the District Superintendent at Meerut of the approach of a guard, its strength, and on what duty employed, as the Police lines are a long distance from the station—*No.* 597 *of* 1869.

Escort of Smugglers by Police.

The Police will when necessary, not ordinarily, assist the Customs escort by receiving prisoners into their lock-ups (other than those at sudder stations).

The responsibility for their safety will rest upon the Police. At sudder stations smugglers will be lodged in Magisterial lock-ups.

If from any unusual cause the Customs Department be unable to guard its prisoners *en route* to a Magistrate's Court, the Police shall make up the deficiency in the guard. Requisitions for Police guards under such circumstances are to be in writing, the special emergency to be mentioned, and the paper signed by an officer of the Customs Department—*No.* 35 *of* 1869.

Punjab only.

The following scale denotes the strength below which guards may not be reduced. District Superintendents should increase strength whenever necessity requires; as *e.g.*, in the hill country where facilities for escape are greater, or where the prisoner escorted is a desperate character, or the like.

On Grand Trunk Road.		Strength of Guard.				On District Roads.		Strength of Guard.			
	No. of Prisoners.	Deputy Inspector.	Sergeant.	Foot Constables.	Mounted Constables.		No. of Prisoners.	Deputy Inspector.	Sergeant.	Foot Constables.	Mounted Constables.
	1			1			1			1	
	2 to 4			2			2 to 3			2	
	5 to 9		1	3			4 to 6		1	3	
	10 to 12		1	5			7 to 8		1	4	
	13 to 15		1	6			9 to 12		1	7	
	16 to 20		1	9			13 to 15		1	8	
	21 to 25		2	10			16 to 20		2	10	
	26 to 30		2	12	1		21 to 25		2	12	
	31 to 50	1	2	16	2		26 to 30		2	16	1
							31 to 50	1	2	20	2

Cir. 16 of 1871 further adds that when an escort is not relieved by the Police of the district through which it passes, the District Superintendent will at once report the fact to the Deputy Inspector-General of Police, sending at the same time the state of all men at his head-quarters and the day in question, with the morning report book of the duty they are doing.

Cir. Memo. 2680 of 1869 order diurnal despatches from distant station to the sudder, to be so arranged that the Police along the route will ordinarily have only one duty each way daily.

Escort over prisoners should select hour enabling them to travel in daylight, and to arrive if possible at head-quarters or tehseel whilst the office is open.

During severe heat, escort, &c., should be timed to arrive not later than 9 A. M., and not leave before 4 P. M. Prisoner not to be overmarched in the hot weather.

EUROPEAN SOLDIERS, ARREST OF.

The following rules taken from those in force in Oudh are issued for the guidance of the Police of the Central Provinces, in cases in which European soldiers are concerned:—

Cases in which the Arrest of European Soldiers is prohibited.

1. The Police should carefully avoid interference with European soldiers, whenever that is possible; and except under circumstances such as are declared in the following rules, to call for the action of the Police, they are hereby prohibited from interfering with European soldiers.

2. When European soldiers are walking quietly through towns or villages, or making purchases at shops.

3. When they are taking a walk, or a ride on horseback, about the country.

4. When soldiers, though appearing to be deserters, are seen making their way towards the barracks, or towards any military camp or cantonments.

5. When soldiers, though they appear to have been drinking, are not disorderly, and molest no one, and show no disposition to commit a breach of the peace, but proceed quietly along the road, or the streets of a town or village.

6. When soldiers are absent without leave from camp or cantonments, or have entered a town or village without leave, but are creating no disturbance there, and appear not disposed to create disturbance.

7. When soldiers are accused of having committed any military offence, other than desertion, such offence not amounting to an affray in view of the Police.

8. When soldiers are sought for by a military party, whether or not such military party succeed in capturing them, and even though they may make their escape from such military party, not being accused for desertion or any criminal offence.

In all cases the Police are prohibited from interfering in any manner with European soldiers; and their interference in any such case will render the Police liable to punishment.

Cases in which the Arrest of European Soldiers is authorized, but not without Warrant.

9. When information has been given by the Military authorities to the Civil power that a European soldier is a deserter.

10. When credible information has been given to the Magistrate, or a Police officer, that a European soldier has committed murder, robbery, arson, theft, affray or violence of any kind.

In all such cases the Police may apprehend European soldiers, but only under a warrant or order from the Magistrate.

Cases in which the Arrest of European Soldiers is authorized without a Warrant.

11. When European soldiers commit a breach of the peace in view of the Police.

12. When they are seen by the Police in the act, or are reported to the Police to be in the act, of affray, or housebreaking, or shooting at, or wounding any one, or in the act of committing violence of any kind, or in possession of stolen property.

13. When European soldiers are drunk and riotous; when they create or appear by disorderly conduct to be likely to create a disturbance, or molest any one, or cause a crowd to collect, or are found lying about the road or street dead-drunk, or are seen staggering or reeling about, and incapable from intoxication to find their way.

14. When they enter, or attempt to enter, any place of worship, or any place held sacred by Hindoos or Mahomedans, or other native castes, or defile in any manner any shrine or idol, or sacred emblem, or destroy or injure any animal considered sacred.

15. When European soldiers are pursued by hue-and-cry after the commission of a criminal offence.

16. When they are pursued by a military party, under accusation of murder, robbery, theft, arson, affray, or of desertion.

17. When European soldiers after whom a military party is sent prove too strong for the party and resist them so as to create a disturbance.

18. When European soldiers in custody of a native guard prove too strong for the guard, and resist them so as to create a disturbance.

19. When European soldiers bargaining at shops in towns or villages are seen to take away any money not belonging to them, or any goods without the consent of the owner, for which they have not paid, or are accused of doing so.

In all the preceding cases the Police are authorized and required to apprehend European soldiers of their own power, and without any order or warrant from the Magistrate.

Miscellaneous Duties of the Police.

20. On all occasions of soldiers being apprehended by the Police, and not being drunk, they are to be immediately taken before the nearest Civil officer.

21. Report is immediately to be made to the nearest Civil or Military authority, when a European soldier is seen wandering about the country, and not committing any breach of the peace nor any criminal offence, but suspected of being a deserter, and proceeding away from any camp or cantonment.

22. When European soldiers are found in towns and villages, in rear of the line of march of the camp, after the regiment or party to which they belong shall have marched away, and when European soldiers belonging to any regiment or party on the march are seen to proceed in a direction different from that in which such regiment or party is proceeding, a report is immediately to be made by the Police to the nearest Civil or Military authority, and such European soldiers shall be treated as deserters.

23. When a European soldier is found drunk, either lying on the ground or reeling about, and unable to find his way to camp or cantonments, he should be quietly taken by the Police to some shady place, or if violent, he should be confined by himself in some secure place, until he is sober, or until he is removed in military custody. All unnecessary measures tending to irritate him are to be carefully avoided, and people are to be prevented from crowding about him, or interfering with him in any way.

Report is immediately to be made to the nearest Military authority of the arrest or confinement of any soldier in a state of intoxication, that he may be removed by a military party as speedily as may be practicable. An immediate report is also to be made to the nearest Civil authority.

25. No needless violence is to be used by the Police, or by those who assist the Police, in the apprehension of any European soldier, more particularly if any soldier is in a state of intoxication. The Police may tie the hands or feet of a soldier violently resisting arrest, but this must be done without cruelty, and only in such a manner as is requisite to secure the soldier, and preventing his escape or his injuring any one. The Police are justified in protecting themselves from violence

offered to them by a soldier resisting apprehension when apprehended in conformity to these rules; but on no account are the Police to retaliate, nor should they offer any indignity to or abuse a soldier whom they apprehended, even though such soldier should abuse or treat them with indignity. On due representation being made, soldiers will be punished by proper authority for misbehaviour to the Police in the execution of their office, but the Police will also be punishable in due course of law for using any unnecessary violence in apprehending soldiers.

26. European soldiers who stray from camp or cantonments are to be informed of the road by which they should return, and, when requisite, guides are to be furnished to them, and paid by the district officer.

27. It is the duty of the Police to point out to any military party or person in search of a soldier, where any such soldier may be concealed, or the road he has been seen to take, and to give every information or assistance required by any military party. The Police are forbidden actually to lay hands on any soldier about to be captured, excepting under circumstances which are provided for in sections second and third of these rules.

28. When there is no affray in view of the Police, and no apparent emergency requiring the aid of the Police in apprehending a soldier, should any military party in search of such soldier request the assistance of the Police in capturing him, it is the duty of the Police to enquire what offence such soldier is accused of; if the reply be that such soldier is accused of desertion or of any criminal offence, the Police will immediately render their aid in apprehending him; but if the soldier be not a deserter or accused of any criminal offence, the Police will in a quiet and becoming manner inform the party requesting their assistance that the regulations prohibit their rendering assistance under the circumstances.

29. No officers, non-commissioned officer or soldier, European or Native, has authority to require the assistance of the Police, in any case in which the Police are by these rules prohibited from taking part in the apprehension of European soldiers.

30. Whenever through his inability to walk from sickness or other cause, or when from his obstinate refusal to walk, carriage is required for the conveyance of a soldier to the Civil station, or Police station, or to the nearest camp or cantonment, the Police may press carts or bearers, and the expense incurred will be paid by the district officer.

31. Whenever it may be necessary to furnish a soldier with food, he is to be supplied, as a day's ration, with a seer of attah, a chittack of salt, two seers of firewood, and either two chittacks of ghee or two seers of milk. It will be the duty of the Police to see that the attah is made into clean and wholesome food, and the expense of feeding the soldier will be defrayed by the district officer. In the Punjab it is directed that European Inspectors and Deputy Inspectors should be employed where possible. When natives are sent, a sufficient number should be sent so as not to tempt resistance, and the Police to be warned that unnecessary violence will be severely punished. If there is a sufficient escort, and the deserter goes quietly, handcuffs need not be used.

The power of arrest does not extend to recruits who have not been regularly enlisted.

EUROPEAN VAGRANCY ACT.

ACT XXI of 1869.

II. Sections three, seventeen, eighteen, twenty-one, twenty-two, twenty-three, twenty-seven, twenty-eight, thirty, thirty-two, thirty-three, and thirty-four shall come into operation at once, and shall extend to the whole of British India and to the dominions of Princes and States in India in alliance with Her Majesty:

Sections twenty-five, twenty-six, and thirty-one shall come into operation on the first day of January 1870, and shall extend to the whole of British India and to the said dominions:

And the rest of this Act shall come into operation in such parts of British India and of the said dominions and on such day or respective days as the Governor-General of India in Council shall from time to time by notification in the *Gazette of India* appoint in this behalf (*a*).

(*a*). By order No. 2050 of 1871, Sections 4—16 (both inclusive), Sections 19, 20, 24, and 29 are extended to the North-Western Provinces, as well as to the dominions of Princes and States in alliance with Her Majesty situated within the limits of these provinces.

III. In this Act—

"Person of European* extraction" includes Americans and Australasians:

"Vagrant" means a person of European extraction found asking for alms, or wandering about without any employment or visible means of subsistence:

"Master of a ship" includes any person in charge of a decked vessel:

And in Parts III and V of this Act "Magistrate" means, within the limits of the towns of Calcutta, Madras, and Bombay, a Magistrate of Police, and, outside those limits, a person exercising powers under the Code of Criminal Procedure not less than those of a Subordinate Magistrate of the first class (*now called Magistrate of the second class.*)

PART II.

Procedure.

IV. Any Police† officer may, without the limits of the towns of Calcutta, Madras, and Bombay, require any person who is apparently a vagrant to accompany him or any other Police officer to and to appear‡ before the nearest Justice of the Peace exercising the full powers of a Magistrate under the Code of Criminal Procedure.

V. The Magistrate of Police or Justice shall make a summary inquiry into the circumstances and character of the alleged vagrant; and if he is satisfied that such person is a vagrant, he shall record in his office a declaration to that effect.

If he is further of opinion that the vagrant is not likely to obtain employment at once, or if he has reason to believe that a declaration of vagrancy has on any former occasion been recorded in respect of such vagrant, he shall require the vagrant to go to a Government work-house and shall draw out an order to that effect.

The vagrant shall then be placed in charge of the Police for the purpose of being forwarded to the work-house, and the said order shall be a sufficient authority to the Police for retaining him in their charge while he is on his way to the work-house, and to the Governor of the work-house for receiving and detaining such vagrant.

VI. Where the officer making the inquiry mentioned in section five is of opinion that the vagrant is likely to obtain employment in any place subject to the Local Government or (when the vagrant is in any part of the said dominions) in any place subject to the nearest Local Government, such officer may in his discretion forward the vagrant to such place in charge of the Police and draw up an order to that effect.

Such order shall be a sufficient authority to the Police for retaining the vagrant in their charge while he is on his way to such place of employment.

VII. Upon his arrival at the place of employment, the vagrant shall be taken before the nearest Magistrate of Police or Justice of the Peace exercising full powers as aforesaid, to whom the order for transmission shall be delivered.

Such officer shall thereupon, to the best of his ability, assist the vagrant in seeking employment, and may in the meantime, if he think fit, keep the vagrant in the charge of the Police.

Should the vagrant fail to obtain suitable employment within a reasonable time not exceeding fifteen days from such arrival, such officer shall forward him to a Government work-house in the manner provided by section five.

* Governor-General in Council's rules of 1870 includes persons born in Europe, America, the West Indies, and New Zealand; and (2) the legitimate son of a father and grandson of a grandfather so born.

† By Governor-General in Council's rules of 1870, European or Eurasian Police officers always, whenever practicable, to be employed for arrest and custody of vagrants.

‡ The person refusing or failing may be forthwith arrested without warrant by the Police officer—*G. G.'s Rules of* 1870.

VIII. Every person while in the charge of the Police, whether before inquiry as to his vagrancy, or while he is on his way, under section five, to the work-house, or, under section six, to a place of employment, shall be entitled to an allowance for his subsistence* at the rate of eight annas per diem.

The Magistrate of Police or Justice, before whom any vagrant is taken under section seven, may, if he think fit, order the vagrant to receive a similar allowance while he is seeking employment.

The Local Government shall cause such allowance to be paid out of such funds at its disposal and in such manner as it may from time to time direct (*a*).

(*a*). The subsistence allowance of 8 annas per diem to each vagrant should be disbursed under the Magistrate's orders, and may be charged for in the Judicial Contingent Bill—*N. W. P. C.* 1, *dated* 23*rd May* 1871.

IX. Any Magistrate of Police or Justice of the Peace exercising full powers as aforesaid may, on being satisfied that any person of European extraction is not likely to become a vagrant, give such person a certificate under his hand, stating that for a certain time (mentioning it) not exceeding six months from the date of the certificate, and within certain limits (mentioning them), nothing in sections four, five, six, and seven shall apply to the holder of such certificate; and thereupon (subject to the provisions contained in sections twenty-three and twenty-four) nothing in sections four, five, six, and seven shall apply to such person for such time and within such limits as aforesaid.

Every such certificate shall be in the form set forth in the first schedule to this Act annexed, or as near thereto as circumstances will admit (*b*).

(*b*). Should be read with paragraphs 5 and 6 of the Rules. Copies of certificates in English, Oordoo, and Hindee for use under Rule 6, will be supplied from the Government Press.

Para. 5.—No such certificate to be given unless there be good ground for believing that the person applying for it is *bonâ fide* in search of employment, has a fair chance of obtaining it, and is of quiet and orderly behaviour.

6. Certificates to be printed on parchment or very durable paper, to be in English, with translation in the two principal vernacular languages of the territories under the Local Government.—*G. G.'s Rules of* 1870.

X. The Local Government may from time to time, by notification in the official Gazette, invest any Justice of the Peace, District Superintendent of Police, or Assistant District Superintendent of Police with the jurisdiction and powers conferred by this Part on a Justice of the Peace exercising full powers as aforesaid.

PART III.

Government Work-houses.

XI. The Local Government, with the previous sanction of the Governor-General of India in Council, may provide work-houses, with their necessary furniture and establishment, at such places as it may think proper, for the temporary reception of vagrants, or may by writing under the hand of a Secretary to such Government, certify any building, or part of a building not provided as a work-house under the former part of this section, to be fit for a work-house for the purposes of this Act. Every such certificate shall be published in the local official Gazette, and thereupon such building or part of a building shall, unless the Local Government otherwise orders, be deemed a Government work-house under this Act (*c*).

(*c*). By order No. 608 A of 1871, the Strangers' Home at Allahabad is declared a work-house, by order 772 of 1872, the European Debtors' Prison at Lahore, and by order No. 3569, Oudh, the barracks of the Central Jail at Lucknow are declared a work-house, and the Superintendent of the Jail is appointed to be *ex-officio* Governor of the same. North-Western Provinces' Magistrates should forward to Allahabad any vagrants from their districts whom they may order to be sent to a work-house.

The Local Government shall allow the same scale of diet for the support of vagrants received in such work-houses as is for the time being allowed for Europeans confined in the local prisons or penitentiaries.

* Ordinarily not to be given to vagrant, but kept and disbursed on his account by the Police or other officer in whose custody he is for the time being—*G. G.'s Rules IV of* 1870.

XII. Every such work-house shall be under the immediate charge of a Governor, who shall be appointed and may be suspended or removed by the Local Government.

Every such Governor shall, if the Local Government think fit, be subject to the orders of a Committee of Management appointed from time to time by such Government, or, in the absence of a Committee, to the orders of such officer as the Local Government shall from time to time appoint in this behalf.

XIII. Every such Governor may order that any vagrant admitted to the work-house under his charge shall be searched, and that the vagrant's bundles, packages, and other effects shall be inspected, and may direct that any money then found with or on the vagrant, shall be applied (subject to the orders of the Local Government) towards the expense of carrying this Act into execution, and may order that all or any of the said effects shall be sold, and that the produce of the sale be applied as aforesaid, but subject to the like orders.

XIV. Vagrants admitted to work-houses under this Act shall be subject to such rules of management and discipline as may from time to time be prescribed by the Local Government with the previous sanction of the Governor-General of India in Council.

XV. The Governor and the Committee of Management (if any) of every such work-house shall use his and their best endeavours to obtain outside the work-house suitable employment for the vagrants admitted thereto.

PART IV.

Removal from India.

XVI. If after the lapse of a reasonable time* no suitable employment is obtainable for any such vagrant, the Local Government may either (when he shall have entered into such agreement† as hereinafter mentioned) cause him to be removed from British India in manner hereinafter provided, the cost of such removal being paid by Government;

or it may cause sections twenty-three and thirty to be read to him and may then release him (*a*).

(*a*). All cases in which employment cannot be found for a vagrant, and his deportation is thought necessary, should be reported to Government through the Commissioner of the Division—*N. W. P.* 1 *of* 1878, *and Punjab* 1009 *of* 1872.

When an agreement has been entered into by a vagrant under Section 17, he shall be forwarded, along with the original agreement, in the charge of a Police officer to the officer at the port of embarkation, who is empowered by the Local Government to receive vagrants; and thereafter, and until his embarkation, he shall remain in the custody of that officer, or of such other officer as the Local Government empowers in this behalf.

He shall during such time be entitled to subsistence allowance at eight annas per diem, to be disbursed as directed in Rule IV.

XVII. Any vagrant‡ or other person of European extraction may enter into an agreement in writing with the Secretary of State for India in Council, binding himself.—

(*a*) to proceed to such port in British India as shall be mentioned in the agreement;

(*b*) there to embark on board such ship and at such time as shall be directed by an officer appointed in this behalf by the Local Government of the territories in which such port is situate, for the purpose of being removed from India at the expense of the said Secretary of State in Council;

(*c*) to remain on board such ship until she shall have arrived at her port of destination; and

(*d*) not to return to India until five years shall have elapsed from the date of such embarkation.

* Not ordinarily to exceed two, and never to exceed six months—*G. G.'s Rules of* 1870.

† All such agreements shall be executed in duplicate, and the officer executing on behalf of the Secretary of State in Council shall retain one of the copies—*G. G's. Rules of* 1870.

‡ No agreement for deportation shall be entered into with any person of European extraction born in this country, and who has never been out of it, unless he satisfies the Local Government that he is likely to gain livelihood in some place out of India—*G. G's. Rules of* 1870.

Every such agreement may be on unstamped paper and shall be in the form set forth in the second schedule to this Act annexed, or as near thereto as circumstances will admit (*a*).

(*a*). The officers empowered to make agreements beyond the limits of the Presidency Towns are Magistrates with full powers, being Justices of the Peace (G. G's. Rules of 1870.) No agreement must be made without the Lieutenant-Governor's sanction on a report which should be forwarded through the Commissioner of the Division—*N. W. P.* 1 *of* 1873.

XVIII. The Local Government of the territories in which the said port is situate* may enter into such contracts for conveyance or otherwise, and perform such other acts as may be necessary to carry out such agreement on the part of the said Secretary of State in Council.

XXIV. Every person imprisoned under section nineteen, twenty, twenty-one, twenty-two, or twenty-three shall at the end of his term of imprisonment be placed before the nearest Magistrate of Police or Justice of the Peace exercising full powers as aforesaid, who shall, if he think fit, forthwith deal with him in the manner prescribed by sections five and six.

The order of transmission shall certify the fact of the previous conviction.

The Governor-General of India in Council may from time to time, by notification in the *Gazette of India*, exempt from the operation of the former part of this section the masters of any class of ships, on such terms as to the said Governor-General in Council shall seem fit, and whether in respect of all or of any part of the persons on board such ships.

The said Governor-General in Council may in like manner revoke any exemption made under this section.

XXVI. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras, and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

All fines recovered under this Act shall be paid to the credit of the Government of India, or as such Government shall from time to time direct.

XXVII. All prosecutions under this Act may be instituted and conducted by such officer as the Local Government shall from time to time appoint (*b*).

(*b*). Prosecutions in the N. W. P. should be conducted by the District and Assistant Superintendents of Police.

XXVIII. In imposing penalties under this Part and Part III of this Act, no person shall exceed the limits† of jurisdiction prescribed for him by the Code of Criminal Procedure in the case of offenders not being European British subjects.

XXIX. No proceeding under this Act shall be deemed invalid by reason only that the Magistrate of Police or Justice, before whom a person apparently a vagrant was required to appear, or before whom a person was placed under section twenty-four, was not the nearest.

* Local Governments within whose jurisdiction ports are situated, shall make all necessary arrangements for the reception and custody of vagrants sent for deportation by other Local Governments or authorities in the interior. They will from time to time, as may be necessary, give notice of such arrangments to the forwarding authorities.

Road expenses shall be provided by the forwarding authority. All further expenses incurred in proceedings under Chapter IV of the Act shall be defrayed by the Local Government of the port of embarkation on account of the Secretary of State in Council.

The officers empowered to direct the deportation of vagrants will see that no unnecessary time is lost for providing passage for those who have entered into agreements to be deported. *As a rule, Europeans should be sent to Europe, Americans to America, West Indians to the West Indies, Australians to Australia, and New Zealanders to New Zealand.* But the Local authorities will exercise their discretion in sending vagrants to other countries than their own, when it appears that such a course will be for their advantage, and that they will be favorably received on arriving at their destination.

Descriptive rolls, and as far as possible photographs, of all persons deported shall be kept by the Local Governments of Administrations within whose territory the ports are situated—*G. G.'s Rules of* 1870.

† S. 20, C. P. C., p. 19.

PART VI.

MISCELLANEOUS.

XXX. Any European British subject, who upon the summary enquiry mentioned in section five has been determined to be a vagrant, or who has been convicted under section twenty-two or section twenty-three, shall, so long as he remains in India, be subject, beyond the limits of the said towns, to the provisions of the Code of Criminal Procedure [other than those contained in Chapter XIX (now Chapter XXXVIII) of the same Code] applicable to a European not being a British subject (*a*).

(*a*) In order to avoid unnecessary committals of such persons to the High Court of Judicature, Magistrates will forward a certified copy of every final order of conviction under Sections XXII and XXIII, and of every finding under Section V, to the Inspector-General of Police, together with a descriptive-roll of the vagrant, with a view to its publication in the *North-Western Provinces' Gazette*, for general information, 31A of 1871.

If from any cause he is committed or held to bail by a Justice of the Peace to take his trial before a High Court, he shall not be at liberty to object to the jurisdiction of such Justice of the Peace or High Court on the ground of anything contained in the former part of this section.

An office copy of the declaration recorded under section five shall be *primâ facie* evidence that the European British subject named therein has been, upon such enquiry, determined to be a vagrant.

XXXI. Whenever any person of European extraction lands in India,

or, being a non-Commissioned officer or soldier in Her Majesty's army, leaves that army in India,

under an engagement to serve any other person, or any company, association, or body of persons in any capacity,

and becomes chargeable to the State as a vagrant within one year after his arrival in India or leaving the army, as the case may be, then the person, or company, association, or body, to serve whom he has so landed in India or left the army, shall be liable to pay to the Government the cost of his removal under this Act and all other charges incurred by the State in consequence of his becoming a vagrant.

Such costs and charges shall be recoverable by suit as if an express agreement to repay them had been entered into with the Secretary of State for India in Council, by the person, company, association, or body chargeable.

31A. When any person of European extraction lands in India, being or having been during his passage to India in charge of, or in attendance upon, any animal, and becomes chargeable to the State as a vagrant within one year after his arrival in India, then

the consignee of such animal,

or the agents in India for the sale of such animal,

or, if such consignee or agent cannot be found,

the agent to whom the ship in which such animal arrived in India was consigned,

shall be liable to pay to the Government the cost of such person's removal under this Act, and all other charges incurred by the State in consequence of his becoming a vagrant.

Any such consignee or agent shall be entitled to charge the consignor or principal for any payment to the Government under this section.

For the purposes of this section, "consignee" includes any person who undertakes to dispose of such animal for the benefit of the consignor.

"Agent" includes any person who undertakes the agency of such ship, though it may not have been consigned to him. (Act XXVIII of 1871.)

XXXII. The powers and duties conferred and imposed by sections sixteen and eighteen on a Local Government may be exercised and performed by such class of officers as the Local Government shall from time to time by notification in the official Gazette appoint in this behalf.

XXXIII. The powers and duties conferred and imposed by this Act on Magistrates, Justices of the Peace exercising the full powers of a Magistrate, and

Police officers, respectively, may in places beyond the limits of British India, be exercised and performed by such persons respectively as the Governor-General of India in Council shall from time to time by notification in the *Gazette of India* appoint in this behalf.

XXXIV. The Governor-General of India in Council may from time to time make rules consistent with this Act for the guidance of officers in matters connected with its enforcement.

All such rules shall be published in the *Gazette of India.*

THE FIRST SCHEDULE.

(See Section 9.)

WHEREAS *E F* of a person of European extraction and holder of this certificate, has appeared before me and satisfied me that he is not likely to become a vagrant within the meaning of the European Vagrancy Act, 1869, THESE ARE TO CERTIFY that for the space of months from the date hereof and within the province [*or* district] of nothing in sections four, five, six, and seven of the same Act shall be deemed to apply to him, unless he is found asking for alms when he has sufficient means of subsistence, or asking for alms in a threatening or insolent manner, or continuing to ask for alms of any person after he has been required to desist: IN ANY OF WHICH CASES he shall be liable to be imprisoned and otherwise dealt with as provided in sections twenty-three and twenty-four of the said Act.

Dated this day of 18 (Signed) *G. H.*,
Magistrate of Police for the town of or Justice of the Peace for exercising the full powers of a Magistrate.

THE SECOND SCHEDULE.

(See Section 17.)

ARTICLES OF AGREEMENT made this day of 18 BETWEEN the Secretary of State for India in Council of the one part and *C D* of, &c., [*the vagrant*] of the other part: Each of the parties hereto (so far as relates to the acts on his own part to be performed) hereby agrees with the other of them as follows:—

1. The said *C D* shall proceed forthwith to the port of [*the port of embarkation*].

2. The said *C D* shall there embark on board such ship and at such time as an officer appointed in this behalf by the Local Government shall direct.

3. The said *C D* shall remain on board such ship until she shall have arrived at her port of destination.

4. The said *C D* shall not return to India until five years shall have elapsed from the date of such embarkation, unless specially permitted so to return by the said Secretary of State.

5. The said Secretary of State in Council shall defray the cost of the transit of the said *C D* to the said port, and of his lodging and subsistence during such transit and during his detention (if any) at the same port, and shall contract with the owner of the said ship or his agent for the passage of the said *C D* on board the said ship, and for his subsistence during the voyage for which he shall embark as aforesaid

IN WITNESS whereof *A B* (by order of the Governor-General of India in Council [*or* the Governor of in Council, *or* the Lieutenant-Governor of *or* the Chief Commissioner of], on behalf of the said Secretary of State in Council), and the said *C D* have hereunto set their hands the day and year first above written.

Schedule of Offences punishable under Act XXI of 1869.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
14	Any vagrant knowingly neglecting or disobeying a rule under this section.	By such officer as Local Governments shall from time to time appoint, but *not compulsory*.	N. C.	S.	B.	Rigorous imprisonment not exceeding three months.	Magistrate of the second class.	
15	When employment is obtained under this section, any vagrant admitted to a work-house refusing or neglecting to avail himself thereof.		"	"	"	Rigorous imprisonment not exceeding one month.	"	
19	Any person refusing or failing to accompany a Police officer to, or to appear before, a Magistrate of Police or Justice of the Peace for the purpose of preliminary inquiry when required to do so under Section 4, whether he be European British subject or not.		"	"	"	Imprisonment of either kind not exceeding one month, or fine, or both.	"	
	Any person who, when required under Section 4 to accompany a Police officer to, or to appear before, a Magistrate of Police or Justice of the Peace, whether he be European British subject or not.		"	"	"	Offence punishable as under Section 353, Penal Code, q. v., p. 544. *i. e.* Imprisonment of either description for two years, or fine, or both.	"	

Schedule of Offences punishable under Act XXI of 1869.—(Concluded.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
20	Vagrant escaping from the Police while committed to their charge under Sections 5 and 6, or leaving a work-house under this Act without permission from the Governor.	time to time appoint, but *not compulsory*.	N. C.	S.	B.	Rigorous imprisonment not exceeding two years.	Magistrate of the second class.	This section applies whether offender be European British subject or not.
21	Entering into an agreement under Section 17, and failing to proceed in pursuance thereof to the port therein mentioned, or refusing to embark when directed to do so under the same section, or escaping from the ship in which he has so embarked until she has reached her port of destination.		"	"	"	Rigorous imprisonment not exceeding six months.	"	"
22	Any person, whether European British subject or not, returning to India within five years of the date of embarkation pursuant to any agreement entered into under Section 17, unless specially permitted to do so by Secretary of State for India.		"	"	"	Rigorous imprisonment not exceeding two years.	"	"

23	Any person of European extraction found asking for alms when he has sufficient means of subsistence, or asking for alms in a threatening or insolent manner, or continuing to ask for alms of any person after he has been required to desist, whether European British subject or not.	By such officer as Local Governments shall from	"*	"	"	*First offence*, rigorous imprisonment not exceeding one month; *second*, not exceeding two months; and *any subsequent one*, not exceeding three months.	"	* If committed in view of a Police officer, or if he has reason to believe that such offence has been or is being committed, he shall forthwith arrest offender without warrant.
25	Every master of a ship landing or allowing to land in any part of British India any person of European extraction who has been convicted in any other part of Her Majesty's dominions of felony or of an offence which, if committed in England, would be felony, unless the defendant shall satisfy the Magistrate by evidence (which the defendant is hereby declared competent to give) that he had made due inquiry as to the person so landed or allowed to land, and that he had no reason to believe that such person had been convicted as aforesaid.		"	"	"	For every person so landed or allowed to land fine not exceeding Rs. 500 and not less than Rs. 100, and in default imprisonment not exceeding two months.	"	

The following Rules are, with the sanction of the Governor-General in Council, prescribed by the Local Government for the management and discipline of vagrants admitted into the Allahabad work-house under Section 14 of Act XXI of 1869:—

1. The Governor of the work-house shall receive into his custody any vagrant delivered over to him with an order for detention under Section 5, Act XXI of 1869, signed by a Justice of the Peace exercising the full powers of a Magistrate.

2. All vagrants shall, on admission, be searched by an officer of the work-house, and all money or other effects shall be taken from them. The Governor of the work-house shall take charge of such money and effects, and shall, within twenty-four hours, submit a statement to the Committee of Management, for the information of Government, of the value of the property brought in by any vagrant, with a view to the amount being applied towards meeting the cost of his maintenance in the work-house.

3. Vagrants shall, on admission, and before being placed to labour, be examined by the medical officer, who may direct their clothing to be removed and burnt, and may order their hair to be cut—if necessary—for the sake of cleanliness. The personal cleanliness of vagrants shall be enforced during their stay in the work-house, for which purpose a proper supply of soap, towels, combs, &c., shall be afforded. If the clothing of vagrants is insufficient, or has to be destroyed on their admission, such vagrants shall be supplied with a plain suit of coarse materials. They shall also have bedding provided in sufficient quantity for health.

4. Employment of some sort, and, if possible, profitable employment, shall be provided for all inmates of the work-house. If any vagrant earn more by his labour than the cost of his maintenance, the surplus shall be given to him on his discharge from the work-house. When possible, vagrants shall be employed in work to which they are accustomed, or in which they are skilled. Those for whom no other sort of work can be found shall be employed in oakum picking, or any work decided to be suitable, and the task shall be fixed by the Committee of Management. Any vagrant who does not perform his full task on the plea of physical inability, will be kept at sedentary labour in a cell on the cell-diet as prescribed by jail regulations.

5. Vagrants shall have every opportunity allowed them of having interviews, at reasonable hours, in the work-house, with employers of labour seeking to engage them.

6. The relatives of vagrants desirous of seeing them shall be admitted, on a written order of the Magistrate of the district, or of the medical officer, or other member of the Committee of Management, between such hours as may from time to time be fixed. Such interviews to be in the presence of an officer of the work-house, and not to exceed half an hour at one time. Vagrants may write letters to their relatives or to persons likely to employ them.

7. Vagrants shall be made to attend Divine Service regularly, and shall be visited by the chaplains of their respective persuasions.

8. Vagrants in the work-house shall behave in respectful manner to all officials; shall not make use of bad language; shall avoid quarrelling with their fellow-inmates; shall not be idle or negligent at work; shall not damage work-house property; shall abstain from disorderly conduct, and from singing or making any other noise; and they shall obey all other rules made for their guidance in the work-house

9. Vagrants who are guilty of violence, or who are abusive or refractory, may be put into handcuffs by order of the Governor, and may be placed in solitary confinement until they can be brought before a Magistrate, which shall not be later than twenty-four hours after the act of violence, &c., for which the vagrant has been confined.

10. A copy of these rules and of Sections 11, 15, and 20, of Act XXI of 1869, shall be kept in the wards in which vagrants are confined.

The Police must be cautioned against the indiscriminate arrest of vagrants (see definition of the term in Section 3 of the Act). When a vagrant is proceeding

quietly in the direction of a sudder station, he should not be interfered with; indeed except in cases where a breach of the peace is being committed or is likely to be committed, or where the vagrant is incapable of taking care of himself, no action should be taken against him as a general rule especially by the Native Police; but the arrival of every vagrant at a sudder station must be reported at once to the Magistrate, and his orders taken regarding him.

When a vagrant is taken by the Police before the Magistrate for the purpose of the enquiry ordered in Section 5 of the Act, the Magistrate must be one exercising full powers in addition to being a Justice of the Peace; but a vagrant when charged with an offence under part 3 or 5 of the Act may be sent for trial before any person exercising the powers of a Subordinate Magistrate of the first class, (*now* = *2nd class.*)

In all cases when dealing with vagrants it will be desirable before making arrests, or taking any action against them, to obtain the orders of a European Magistrate when the circumstance will admit of this being done, and, except in cases of absolute necessity, a vagrant should not be sent before a Native Magistrate.

There should be as little interference with vagrants as possible by the Native Police.

When escorting a vagrant from one place to another the Police will disburse the subsistence allowance "at the rate of 8 annas per diem" in the manner directed in Rule 4 (*vide sup.*, p. 764) of the Rules of 20th October 1870, and the sum so expended will be charged against the Magistrate of the District in the same way as the ordinary diet money of prisoners.

When a vagrant escorted by the Police from one place to another is unable to walk, a cart or pony may be provided according to circumstances, and the hire charged as above.

Vagrants being escorted from one place to another by the Police should be allowed to halt and put up for the night at serais, and where these are not available, at Police posts on the road and at rest-houses at sudder stations where such have been established. At those stations where there are no such places, the District Superintendent should request the Magistrate of the district to provide one, or to fix upon some place to which vagrants may be taken, and where they can be lodged and fed during their stay.

A copy of printed memorandum which accompanies this circular is to be pasted on a board and hung up in a conspicuous place in each Police post on the lines of road frequented by vagrants, and the Police are to be instructed to show it to every vagrant who passes their post.

Memorandum.

1. Under the provisions of Act XXI of 1869 of the Government of India any policeman is authorized to require a person who is apparently a vagrant (that is, any person of European extraction who is going about begging, or who is without any employment or visible means of subsistence) to accompany him before the nearest Justice of the Peace who is a Magistrate for enquiring into his circumstances.

2. Any vagrant who refuses to accompany the Police to a Magistrate as above is liable on conviction to one month's imprisonment and to a fine.

3. Any vagrant who escapes from the Police after he has been placed in their charge by a Magistrate's order, or who asks for alms when he has sufficient means of subsistence, or who begs in an insolent or threatening manner, or who continues to beg from any person after he has been required to desist, is liable on conviction to rigorous imprisonment and to a fine.

4. Any vagrant who is going in company of the Police to the sudder station to appear before a Magistrate will be allowed to lodge at night at the Police posts on the road at places where there are no serais, and will be provided with food by the policemen who accompany him.

PUNJAB GOVERNMENT NOTIFICATION, No. 773.

Dated Lahore, the 6th March 1872.

Rules for the management and discipline of vagrants under Sections 14 *and* 34 *of Act XXI of* 1869.

1. Prosecutions of vagrants under Section 14 and the second clause of Section 20 of the Act shall not be instituted without the sanction of the Deputy Commissioner.

2. The Superintendent of the Central Jail shall be the Governor of the work-house.

3. The Governor of the work-house shall make himself acquainted with the provisions of Act XXI of 1869, so far as they relate to the duties of his office.

4. He shall be responsible for the due observance of these and all other rules which shall be issued from time to time with the sanction of Government under Section 14 of the Act.

5. He shall refer to the Deputy Commissioner all matters in which he requires further instructions, and shall obey all orders he may receive from him in regard to matters connected with the government of the work-house, not distinctly provided for in these rules.

6. He shall have power to suspend any subordinate for misconduct, pending the orders of the Deputy Commissioner.

7. He shall keep such books as are required to be kept by these rules, or by any additional rules issued under the same authority.

8. He shall prepare and submit such reports and returns as may be required by the Deputy Commissioner.

9. No officer or servant on the establishment shall strike any inmate of the institution except in self-defence.

10. No officer or servant shall sell to, or purchase from, the inmates of the work-house any article whatsoever.

11. The introduction into the work-house of tobacco, liquor, or any other article of luxury is strictly prohibited.

12. All correspondence or intercourse between officers and servants of the work-house and friends or relatives of the inmates is also forbidden, unless specially authorized by the Deputy Commissioner.

13. Every vagrant on admittance into the work-house shall have his hair cut, be required to bathe, and receive a suit of work-house clothing. It will be for the Deputy Commissioner to decide, under Section 13 of the Act, if the vagrant's clothing and other effects shall be sold, and the sale proceeds, together with any money found on him, applied to payment of the general expenses of the institution.

14. On the morning after admission, each vagrant shall be examined by the Governor, and, if pronounced capable of hard labor, shall be put to such work as the Governor may be able to provide for him.

15. Tasks shall be assigned, and each inmate shall be required to perform the allotted task before he is allowed to partake of the meals provided.

16. There shall be three meals a day throughout the year :—

BREAKFAST.

In summer at 8 A.M.
„ winter at 9 A.M.

DINNER.

Throughout the year at 1 P.M.

TEA.

In summer at 6 P.M.
„ winter at 5 P.M.

17. The scale of diet shall be as follows:—

Class of Vagrants.	Meat.	Bread.	Vegetables.	Butter.	Salt.	Condiment.	Sugar.	Tea.	Milk.	Wood.
	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	lbs.
Laboring ...	*16*	*16*	*16*	1	½	½	1	½	4	4
Unlaboring ...	12	12	12	½	½	¼	1	½	4	4

Mutton to be given three times, and beef four times a week. As this scale is fixed by the Act it may not be departed from except in case of sickness, and then only by order of the Governor.

18. The proportion in which the above rations shall be given at each meal shall be determined by the Governor in consultation with the Deputy Commissioner.

19. The Governor shall issue directions as regards clothing, diet and bedding of the sick inmates, and such inmates shall not be put to work unless certified by the Governor as fit for labor.

20. Each inmate of the work-house shall rise and wash during the summer months at 5 A. M., and during the winter months at 7 A. M. Lights shall be provided from dusk till 9 P.M. when the inmates shall be required to retire to rest.

21. Vagrants refusing to work when required to do so, or being otherwise refractory, may, at the direction of the Governor, be locked up in rooms provided for the purpose, and remain locked up until the complaints made against them have been enquired into by the Deputy Commissioner.

22. The inmates of the work-house shall not be put to labor on Sundays, and they shall attend Divine Service at such time as the ministers of their respective religions shall appoint with the sanction of the Deputy Commissioner.

23. A copy of these rules, together with such copies of Sections 14 and 15 of the Act, shall be hung up in every ward and cell in the work-house.

24. The gates of the work-house shall be locked at sunset, and shall remain so locked till sunrise.

25. No vagrant shall be allowed to leave the work-house except in search of work, and then only with the sanction of the Deputy Commissioner.

26. Strangers shall not be permitted to visit the work-house and hold conversation with any of the inmates at any time without the permission of the Governor. But relatives of any inmate suffering from sickness may be allowed to visit him at any time with the permission of the Governor.

27. If a death from any cause occurs among the inmates, the Governor of the work-house shall give notice thereof to the Magistrate of the district, and shall also at once inform the nearest relatives of the deceased, if any such are to be found, and such relatives shall be allowed to carry away the corpse; otherwise, the Governor himself shall make arrangements for the decent interment of the deceased.

28. The Governor of the work-house shall use his best endeavours to obtain, outside the work-house, suitable employment for the vagrants admitted thereto as required by Section 15 of the Act, and whenever such employment is found, shall report the fact for the information of the Deputy Commissioner.

29. In the event of his failing to obtain employment for any of the inmates within two months of their admission to the work-house, he shall report the fact to the Deputy Commissioner, in order that action may be taken under Section 16 of the Act.

30. The following books shall be kept by the Governor :—

I.—Cash book, showing all receipts and disbursements, including receipts from Government, private subscriptions and moneys taken from vagrants under Section 13 of the Act.

II.—Register of admissions.

III.—Register of discharges.

IV.—Governor's journal in which shall be recorded all matters of importance relating to the health, conduct and employment of the inmates ; also remarks on the conduct of all subordinate officials.

V.—Minute book for visitors and other inspecting officials.

VI.—Manufactory book.

VII.—File book of orders for detention of vagrant.

VIII.—Inventory of property of vagrant.

IX.—File book of receipts.

31. All money received by the Governor shall be deposited by him in the Government Treasury, whence payments shall be made on cheques signed by the Deputy Commissioner.

32. The Governor shall be allowed a permanent advance for current expenses.

EVIDENCE ACT.

Notes from the First Report of the Select Committee.

In general, it has been our object to reproduce the English Law of Evidence with certain modifications. The English Law of Evidence appears to us to be totally destitute of arrangement. This arises partly from the circumstance that its leading terms are continually used in different senses, and partly from the circumstance that the Law of Evidence was formed by degrees out of various elements, and in particular out of the English system of pleading and the habitual practice of the Courts of Common Law. For instance, the rule that evidence must be confined to points in issue is founded on the system of pleading. The rule that hearsay is no evidence is part of the practice of the Courts; but the two sets of rules run into each other in such an irregular way as to produce between them a result which no one can possibly understand systematically, unless he is both acquainted with the principles of a system of pleading which is being rapidly abolished, and with the every-day practice of the Common Law Courts, which can be acquired and understood only by those who habitually take part in it. This knowledge, moreover, must be qualified by a study of text-books which are seldom systematically arranged.

Many other circumstances, to which we need not refer, have contributed largely to the general result; but we may illustrate the extreme intricacy of the law, and the total absence of anything like system which pervades every part of it, by a single instance. In Mr. Pitt Taylor's work on Evidence it is stated that "ancient documents, when tendered in support of ancient possession," form the third exception to the rule which excludes hearsay. The question is whether A is entitled to a fishery. He produces a royal grant of the fishery to his ancestor. This fact the law describes as a peculiar kind of hearsay admissible by special exception. Surely this is using language in a most uninstructive manner.

This being the case, we have discarded altogether the phraseology in which the English text-writers usually express themselves, and have attempted first to ascertain, and then to arrange in their natural order the principles which underlie the numerous cases and fragmentary rules which they have collected together. The result is as follows:—

Every judicial proceeding whatever has for its purpose the ascertaining of some right or liability. If the proceeding is criminal, the object is to ascertain the liability to punishment of the person accused; if the proceeding is civil, the object is to ascertain some right of property or of status, or the right of one party, and the liability of the other, to some form of relief.

All rights and liabilities are dependent upon and arise out of facts, and facts fall into two classes, those which can, and those which cannot, be perceived by the senses. Of facts which can be perceived by the senses, it is superfluous to give examples. Of facts which cannot be perceived by the senses, intention, fraud, good faith, and knowledge may be given as examples. But each

class of facts has, in common, one element which entitles them to the name of facts—they can be directly perceived either with or without the intervention of the senses. A man can testify to the fact that, at a certain time, he had a certain intention, on the same ground as that on which he can testify that, at a certain time and place, he saw a particular man. He has, in each case, a present recollection of a past direct perception. Moreover, it is equally necessary to ascertain facts of each class in judicial proceedings, and they must in most cases be ascertained in precisely the same way.

Facts may be related to rights and liabilities in one of two different ways:

1.—They may by themselves, or in connection with other facts, constitute such a state of things that the existence of the disputed right or liability would be a legal inference from them. From the fact that A is the eldest son of B, there arises of necessity the inference that A is by the law of England the heir-at-law of B, and that he has such rights as that status involves. From the fact that A caused the death of B under certain circumstances, and with a certain intention or knowledge, there arises of necessity the inference that A murdered B, and is liable to the punishment provided by law for murder.

Facts thus related to a proceeding may be called facts in issue, unless, indeed, their existence is undisputed.

2.—Facts, which are not themselves in issue in the sense above explained, may affect the probability of the existence of facts in issue, and these may be called collateral facts.

It appears to us that these two classes comprise all the facts with which it can in any event be necessary for Courts of Justice to concern themselves, so that this classification exhausts all facts considered in their relation to the proceeding in which they are to be proved.

This introduces the question of proof. It is obvious that, whether an alleged fact is a fact in issue or a collateral fact, the Court can draw no inference from its existence till it believes it to exist; and it is also obvious that the belief of the Court in the existence of a given fact ought to proceed upon grounds altogether independent of the relation of the fact to the object and nature of the proceeding in which its existence is to be determined. The question is whether A wrote a letter. The letter may have contained the terms of a contract. It may have been a libel. It may have constituted the motive for the commission of a crime by B. It may supply proof of an *alibi* in favour of A. It may be an admission or a confession of crime; but whatever may be the relation of the fact to the proceeding, the Court cannot act upon it unless it believes that A did write the letter, and that belief must obviously be produced, in each of the cases mentioned, by the same or similar means. If, for instance, the Court requires the production of the original when the writing of the letter is a crime, there can be no reason why it should be satisfied with a copy when the writing of the letter is a motive for a crime. In short, the way in which a fact should be proved depends on the nature of the fact, and not on the relation of the fact to the proceeding.

The instrument by which the Court is convinced of a fact is evidence. It is often classified as being either direct or circumstantial. We have not adopted this classification.

If the distinction is that direct evidence establishes a fact in issue, whereas circumstantial evidence establishes a collateral fact, evidence is classified, not with reference to its essential qualities, but with reference to the use to which it is put; as if paper were to be defined, not by reference to its component elements, but as being used for writing or for printing. We have shown that the mode in which a fact must be proved depends on its nature, and not on the use to be made of it. Evidence, therefore, should be defined, not with reference to the nature of the fact which it is to prove, but with reference to its own nature.

Sometimes the distinction is stated thus: Direct evidence is a statement of what a man has actually seen or heard. Circumstantial evidence is something from which facts in issue are to be inferred. If the phrase is thus used, the word *evidence*, in the two phrases (direct *evidence* and circumstantial *evidence*) opposed to each other, has two different meanings. In the first, it means testimony; in the second, it means a fact which is to serve as the foundation for an inference. It would indeed be quite correct, if this view is taken, to say "Circumstantial evidence must be proved by direct evidence." This would be a most clumsy mode of expression, but it shows the ambiguity of the word "evidence," which means either—

(1) words spoken or things produced in order to convince the Court of the existence of facts; or

(2) facts of which the Court is so convinced which suggest some inference as to other facts.

We use the word "evidence" in the first of these senses only, and so used it may be reduced to three heads—1, oral evidence; 2, documentary evidence; 3, material evidence.

Finally, the evidence by which facts are to be proved must be brought to the notice of the Court and submitted to its judgment, and the Court must form its judgment respecting them.

These general considerations appear to us to supply the ground-work for a systematic and complete distribution of the subject as follows:—

I.—Preliminary.

II.—The relevancy of facts to the issue.

III.—The proof of facts according to their nature, by oral, documentary or material evidence.

IV.—The production of evidence.

V.—Procedure.

We have accordingly distributed the subject under these heads in the manner which we now proceed to describe somewhat more fully.

I.—Preliminary.

Under this head we have defined "fact," "facts in issue," "collateral facts," "a document," "evidence," "proof,"* and "proved," "necessary inference" and "presume." We have also laid down in general terms the duty of the Court.

Of our definitions of "fact," "facts in issue," "collateral facts," and "evidence," we need say no more than that they are framed in accordance with the principles already stated. We may, however, shortly illustrate the effect of the definition of evidence.

It will make perfectly clear several matters over which the ambiguity of the word, as used in English law, has thrown much confusion. The subject of circumstantial evidence will be distributed into its elements, and will be dealt with thus. The question is whether A committed a crime. The facts are—that he had a motive, displayed by statements of his own, for it; that the scene of the crime shows footmarks which correspond with his feet; that he was in possession of property which might have been procured by it, and that he wrote a letter indicating his guilt. On turning to Chapter II, it will be found that all these are relevant facts, either as motive incidents of facts in issue, effects of facts in issue, or conduct influenced by facts in issue. On turning to Chapter III, it will be seen how each of these facts must be proved, namely, the statements displaying motive, by the direct oral evidence of some one who says he heard them; the footmarks, by the direct oral evidence of some one who says he saw them; the possession of the property, by the production of the property in Court, and by the direct oral evidence of some one who had seen it in the prisoner's possession; and the letter, by the production of the letter itself; or secondary evidence of it, if the case allows of secondary evidence.

So the phrase "hearsay evidence," which, as the Commissioners observe, is used by English writers in so vague and unsatisfactory a manner, finds no place in our draft, and we hope we have avoided the possibility of any confusion in connection with it. Chapter II provides specifically, and in a manner which corresponds, on the whole (though with some modifications), with the English law, in what cases the statements and opinions of third persons as to relevant facts shall, and in what cases they shall not, be themselves relevant; and Chapter V, on Proof by Oral Evidence, provides that oral evidence shall in all cases be direct, on whatever ground the fact which it is to establish may be relevant to the issue: that is to say, if the fact is one which could be seen, it must be established by a witness who says he saw it; if it could be heard, by a witness who says he heard it, whether it is fact in issue, or a collateral fact. These provisions distribute the different things described by the phrase "hearsay evidence" in the same way in which the different things described by the phrase "circumstantial evidence" are distributed by the other provisions.

So, our definition does away with a confusion which arises out of the double meaning of the word "evidence" in the phrases "primary" and "secondary evidence." "Primary evidence" sometimes means a relevant fact, and at other times the proof of a document by its production as opposed to proof by a copy. In our draft, "primary" and "secondary" are distinctly defined, and confined to an unambiguous meaning. "Evidence" in each case means words spoken or things (documents or not) shown to the Court.

Finally, we have substituted for the phrase "conclusive evidence" the phrase "necessary inference." The phrase "conclusive evidence" is not open to objection on the ground of obscurity or ambiguity; but the word "evidence" in it means, not what we understand by evidence, but a fact established by evidence from which a particular inference necessarily follows: Our phrase, therefore, harmonises with the rest of our draft, whereas "conclusive evidence" would not.

The definitions of "proof," "proved" and "moral certainty" require some comment. The definition of "proof"* is subordinate to that of "proved," which is, that a fact is said to be proved in two cases, that is to say, when the Court after hearing the evidence respecting it—

(1) believes in its existence; or

(2) thinks its existence so probable that a reasonable man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

This degree of probability we describe as "moral certainty," and we provide that no fact shall be regarded as morally certain unless the evidence is such as to render its non-existence improbable. This is as near an approach as we have been able to make to a distinct equivalent for the phrase "reasonable doubt," which is usually employed by English Judges in leaving questions of fact to a jury. The question "When is doubt reasonable?" is one which cannot be completely answered; for at bottom it is a question, not of science, but of prudence, and our definition of the word "proved" is meant to make this plain. We have, however, attached to it the negative condition that a reasonable man ought not to be morally certain of a conclusion, merely because it is probable, if other conclusions are also probable. It is easier to illustrate this principle than to state, without a prolonged abstract discussion, the general grounds on which it

* We have omitted the definitions of "proof" and "moral certainty" and the sections relating to inferences to be drawn by the Court as being suitable rather for a treatise than an Act. *Note by Select Committee on final revision of the Bill.*

rests. Our illustrations are meant to point out to Judges that they are not to convict A of an offence which must have been committed either by him or by B, unless circumstances exist which make it improbable that the offence was committed by B. We have not attempted to carry the matter further. We believe that in all countries, and in this country more than in any other, it is absolutely necessary to leave to Judges a wide discretion as to the risk of error which they choose to incur in coming to a decision, and that this is a matter of prudence and practice, as to which rules ought to be laid down, rather with the view of guiding, than with the view of fettering, discretion.

The last provision, in the preliminary part, to which we would call attention, defines in very general terms the duty of the Court in deciding questions of fact. Its generality appeared to us to render the preliminary, rather than the concluding, chapter the proper place for it. This section declares that the duty of the Court is to determine questions of fact by drawing inferences*—

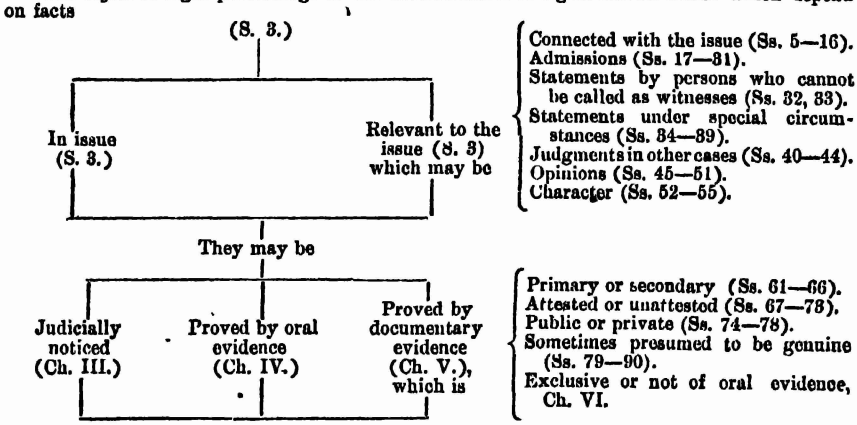
(1) from the evidence given to the facts alleged to exist;
(2) from facts proved to facts not proved;
(3) from the absence of evidence which might have been given;
(4) from the admissions and conduct of the parties, and generally from the circumstances of the case.

We have said nothing of the principle on which these inferences are to be drawn, as that is a matter of logic, and does not belong specially to the subject of judicial evidence; but we wish to point out and put distinctly upon record the fact that to infer, and not merely to accept or register evidence, is in all cases the duty of the Court. One of the many fallacies which owe their origin to the ambiguity of the word "evidence," and the looseness with which it is used, is the common assertion that direct evidence leaves no room for inference, whereas indirect or circumstantial evidence does. In fact, all evidence whatever is useful only as the ground-work for inferences, of which the inference that the facts which the witness alleged to exist do or did not actually exist, is very often the most difficult to draw. The truth is that to infer in one or other of the different shapes which we have stated is the great duty of the Judge in every case whatever, and we have thought it desirable to point this out in the plainest and broadest way.

We have added two qualifications only to this general rule (1) that when the law declares an inference to be necessary the Court shall draw it, and shall not allow its truth to be contradicted; (2) that when the law directs the Court to presume a fact, it shall infer its existence till the contrary appears. We have treated in detail of necessary inference and presumptions in other parts of the Bill.

Mr. Stephen in his Indian Evidence Act gives the following useful tabular scheme of this Act. The figures refer to the sections of the Act which treat of the matter referred to.

The object of legal proceedings is the determination of rights and liabilities which depend on facts



This proof must be produced by the party on whom the burden of proof rests (Ch. VII), unless he is stopped (Ch. VIII).

If given by witnesses (Ch. IX), they must testify subject to rules as to examination (Ch. X). Consequence of mistakes defined (Ch. XI).

* See note on page 778.

EVIDENCE ACT, THE INDIAN.

ACT No. I OF 1872.

(N. B.—*Notes to which numerals are affixed are simply notes; those to which letters are given are part of the Act itself.*)

WHEREAS it is expedient to consolidate, define and amend the Law of Evidence; It is hereby enacted as follows:—

PART I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

1. This Act may be called "The Indian Evidence Act, 1872:"

It extends to the whole of British India, * and applies to all judicial proceedings, in or before any Court, including Courts-Martial, but not to affidavits presented to any Court or Officer, nor to proceedings before an arbitrator;

and it shall come into force on the first day of September 1872.

2. On and from that day the following laws shall be repealed:—

(1.) All rules of evidence not contained in any Statute, Act or Regulation in force in any part of British India:

(2.) All such rules, laws and regulations as have acquired the force of law under the twenty-fifth section of "The Indian Councils' Act, 1861," in so far as they relate to any matter herein provided for; and

(3.) The enactments mentioned in the schedule hereto, to the extent specified in the third column of the said schedule.

But nothing herein contained shall be deemed to affect any provision of any Statute, Act or Regulation in force in any part of British India and not hereby expressly repealed.

3. In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context:—

"Court" includes all Judges and Magistrates, and all persons, except arbitrators, legally authorized to take evidence.

"Fact" means and includes—

(1) anything, state of things, or relation of things, capable of being perceived by the senses;

(2) any mental condition of which any person is conscious.

Illustrations.

(*a.*) That there are certain objects arranged in a certain order in a certain place is a fact.

(*b.*) That a man heard or saw something is a fact.

(*c.*) That a man said certain words is a fact.

(*d.*) That a man holds a certain opinion, has a certain intention, acts in good faith, or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.

(*e.*) That a man has a certain reputation is a fact.

One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

The expression "Facts in issue" means and includes—

any fact from which, either by itself or in connection with other facts, the existence, non-existence, nature, or extent of any right, liability, or disability, asserted or denied in any suit or proceeding necessarily follows.

* C. P. C., S. 1, *n.* (*a*).

Explanation.—Whenever, under the provisions of the law for the time being in force relating to Civil Procedure, any Court records an issue of fact, the fact to be asserted or denied in the answer to such issue, is a fact in issue.

Illustrations.

A is accused of the murder of B.
At his trial the following facts may be in issue :—
That A caused B's death;
That A intended to cause B's death;
That A had received grave and sudden provocation from B;
That A, at the time of doing the act which caused B's death, was, by reason of unsoundness of mind, incapable of knowing its nature.

"Document" means any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

Illustrations.

A writing is a document.
Words printed, lithographed or photographed are documents.
A map or plan is a document.
An inscription on a metal plate or stone is a document.
A caricature is a document.

"Evidence" (1) means and includes—

(1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry;

such statements are called oral evidence:

(2) all documents produced for the inspection of the Court;

such documents are called documentary evidence.

A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists (2).

A fact is said to be disproved when, after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

A fact is said not to be proved when it is neither proved nor disproved.

(1) Mr. Stephens comments thus on the meaning of the word evidence in the general acceptation of the term—The word "evidence" is exceedingly ambiguous. It may mean that which a witness says in Court. It may mean the facts to which he testifies, regarded as a groundwork for further inference. Notwithstanding this, the phrase "hearsay is no evidence" being emphatic and easy to recollect, stuck in the ears and in the minds of lawyers, and has been taken by many text-writers as the principle on which their statement of the most important branch of the law should be arranged. They accordingly took to describing as hearsay every fact of which evidence was by law excluded; in short, they turned "hearsay is no evidence" into "that which is not evidence is hearsay." They did not, however, do this expressly; they did it by describing as exceptions to the rule excluding hearsay in all cases in which evidence was admitted of anything which would have been excluded but for such exceptions. This is so intricate a statement that I can hardly expect the Council to follow me, but I will give an illustration of what I mean. The question is, whether a piece of land belongs to A or B. A says that it belongs to him, because his father C bought it from D, who bought it from E, and he produces the deeds by which E conveyed the land to D, and D conveyed it to C. Now, as D and E are not parties to the suit between A and B, and as A cannot of his own knowledge know anything of the transaction between them, English text-writers call the deed between D and E "hearsay," and, according to Mr. Pitt Taylor, the rule which permits such deeds to be given in evidence is the third exception to the rule which excludes hearsay. One of the Judges, if I am not mistaken, called such evidence "written hearsay," and so indifferent are English lawyers in general to the abuse of language for the sake of momentary convenience that it probably never struck him that this was a contradiction in terms. I think, however, that it is hard to expect people to understand, bear in mind, and follow out in all its ramifications a system which employs language in such a peculiar manner as to call ancient deeds "written hearsay." To talk of hearing a document is like talking of seeing a sound.

I now turn to the ambiguity of the word "evidence," to which I have already referred. As I have just said, "evidence" sometimes means a fact which suggests an inference. For instance, it is common to say,—"Recent possession of stolen goods is evidence of theft;" that is, the fact of such possession suggests the inference of theft. At other times, and I think more frequently, "evidence" means what a witness actually says in Court, or that which he produces. For instance, we say the evidence which he gave was true. I might occupy, I will not say the attention, but the time, of your Lordship and the Council for hours if I were to attempt to describe the amount of confusion and obscurity which the neglect of this simple and obvious distinction has thrown over the whole subject. I will content myself with observing that it produces the effect of giving a double meaning to every expression into which the word "evidence" is introduced. "Circumstantial evidence," "hearsay evidence," "direct evidence," "primary evidence," "best evidence," have each two sets of meanings, and the result is that it is almost impossible to arrive at a clear and comprehensive knowledge of the whole subject, or see how its various parts are related to each other, without an amount of study, thought, and practical acquaintance with the actual working of the rules of evidence which few people are in a position to bestow upon the subject.

I may appear to be detaining the Council unduly upon merely verbal questions, but I think that it is a common fault to underrate the importance of accurate language particularly in regard to the fundamental terms of any particular branch of knowledge. In regard to law, I have not the least doubt that a very large proportion of the intricacy and difficulty which attach to it is due to the fact that proper pains have never been bestowed on the definition of its fundamental terms. What could be made of Euclid if we were not quite sure of our meaning when we spoke of a point, a line, a circle, parallels, and perpendiculars? Such a defect would render geometry impossible, and the defect which makes large parts of the law almost unintelligible and beyond all measure, cumbrous and unwieldy, is precisely analogous to it in principle. I believe that, if its fundamental terms were defined as clearly as the term "law" was defined by the late Mr. Austin, the study of law would become comparatively easy and, in many cases, attractive for its own sake; that its bulk might be diminished to a degree of which people in general have hardly any conception; that the expense of its administration might be greatly diminished, and that comparative certainty might do away with a very large amount of needless and harassing litigation.

(2) This definition renders all the more necessary a word of caution as to excluding all that is neither directly nor indirectly relevant to the facts in issue. Such matters when admitted simply distract the attention of the Court and waste its time. A Criminal Court need well be careful in meddling with speculative probabilities, for, as Mr. Best observes, it is not a mere preponderance of probability, but a much higher degree of assurance that is required as a basis of decision in criminal cases, and thus he asks:—Does the fact of a person having once or many times in his life done a particular act in a particular way make it more probable that he has done the same thing in the same way upon another and different occasion? To admit such evidence would be fraught with great danger.

Mr. Stephens, however, in Section 54 has gone a long way towards admitting this species of evidence. The section is strikingly un-English and will introduce quite a new element into criminal trials.

4. Whenever it is provided by this Act that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.

Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

When one fact is declared by this Act to be conclusive proof of another, the Court shall on proof of the one fact regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.

Notes by Mr. Stephens on Chapter II.

The main feature of the Bill consists in the distinction drawn by it between the relevancy of facts, and the mode of proving relevant facts. The neglect of this distinction by English text-writers no doubt arises from the ambiguity of the word evidence, to which I have already referred, and is the main cause of the extreme difficulty of understanding the English law of evidence systematically. I will shortly illustrate my meaning. A says Z committed murder. First of all, this is a fact—something which could be directly perceived by the sense of hearing and distinctly remembered afterwards. Now, whether this fact is or is not relevant in a particular case depends upon a variety of circumstances. If the question is whether A was guilty of defaming Z by accusing him of murder; or whether Z had a motive for assaulting A, because A said that he had committed murder; or if Z is accused of murder, and the object is to show that, when A charged him with it, he behaved as if he were guilty, and in many other instances which might be put, the fact that A spoke those words is clearly relevant. But if the question is, whether Z actually did commit murder, the fact that A thought so or said so,

generally speaking, is not relevant. Supposing, however, that the fact is relevant on some one of the grounds just mentioned, or on any other ground, whatever be the ground on which the words are relevant to the matter under inquiry, it is obvious that the words themselves ought to be satisfactorily proved; and the rule of English law—and we think it is a wise rule—is that they must be proved by the assertion of some witness that he heard them said with his own ears. English text-writers throw together these two classes of rules under the head of Hearsay. They lay down the general rule that hearsay is no evidence, meaning by it that certain classes of facts called hearsay are to be treated as irrelevant to the determination of particular questions, and it is necessary to look through a long list of exceptions to that rule in order to see whether, in a particular case, A's statement may or may not be proved. If you find that it can be proved, the question is, how can it be proved? and you propose to prove it by a witness who says that B told him that he heard A say so. Again, you are told 'hearsay is no evidence;' but this time the expression means, not that the fact is irrelevant, but that the testimony by which it is proposed to prove the fact is improper. One extreme inconvenience of this is that the most important part of the English Law of Evidence is thrown into the most intricate and inconvenient of all possible forms, that of a very wide negative, of most uncertain meaning, qualified by a long string of exceedingly intricate exceptions.

No one who has not gone through the process of learning the law by mere rule-of-thumb practice can imagine the degree of needless obscurity and difficulty upon this point, of the existence of which he becomes gradually conscious. It will be perfectly fair to say to almost any English text-writer, 'you tell me, at enormous length, what is not evidence; but you nowhere tell me what is evidence, except, indeed, in large compilations, which point out what has to be proved upon particular issues, and which it is as impossible to read or remember as it is to read or remember any other mere works of reference.'

I hope that we have been able to avoid this, and that the second chapter of the Bill will be found to state specifically and in a positive form what sorts of facts are relevant, as being sufficiently connected with the facts in issue to afford grounds for an inference as to their existence or non-existence. I may shortly illustrate our rules by reference to a passage from a modern historian. The passage to which I refer is a short summary, by Mr. Froude, of the grounds on which he believes that Mary Queen of Scots murdered her husband.

As Mr. Froude is not a lawyer, he certainly wrote what I am about to read without reference to rules of evidence. I think the fact that he did, in fact, unconsciously observe them illustrates very strongly the truth of my assertion that they are no more than the result of experience and practical sagacity thrown into a categorical shape. I need hardly say that I use the passage merely as an illustration, and without any notion of adopting Mr. Froude's opinions, or asserting the truth of his facts. I am concerned merely with their relevance.

'She (Mary) was known to have been weary of her husband, and anxious to get rid of him.'

(By our draft. facts which show motive are relevant.)

'The difficulty and the means of disposing of him had been discussed in her presence, and she had herself suggested to Sir James Balfour to kill him.'

(Facts which show preparation for a fact in issue are relevant.)

'She brought him to the house where he was destroyed; she was with him two hours before his death;'

(Facts so connected with the facts in issue as to form part of the same transaction are relevant.)

'and afterwards threw every difficulty in the way of any examination into the circumstances of his end.'

(Subsequent conduct influenced by any fact in issue is relevant.)

'The Earl of Bothwell was publicly accused of the murder.'

(Facts necessary to be known in order to introduce relevant facts are relevant.)

'She kept him close at her side; she would not allow him to be arrested; she went openly to Seton with him before her widowhood was a fortnight old. When at last, unwillingly, she consented to his trial, Edinburgh was occupied by his retainers. He presented himself at the Tolbooth surrounded by the Royal Guard, and the charge fell to the ground, because the Crown did not prosecute and the Earl of Lennox had been prevented from appearing.'

(Subsequent conduct influenced by any fact in issue is relevant.)

'A few weeks later, she married Bothwell, though he had a wife already, and when her subjects rose in arms against her and took her prisoner, she refused to allow herself to be divorced from him.'

(Subsequent conduct. Motive.)

A large part of the evidence consisted of certain letters which the Queen was said to have written. Mr. Froude, in passages which I need not read, alleges facts which go to show that she tried to prevent the production and to secure the destruction of those letters. An illustration as to subsequent conduct meets the case of a person who destroys or conceals evidence.

Finally, Mr. Froude observes, 'in her own correspondence, though she denies the crime, there is nowhere the clearing of innocence which makes its weight felt even when the evidence is weak which supports the words.' The letters would be evidence under the section relating to admissions, and Mr. Froude's remark is in nature of a criticism on them by a prosecuting counsel.

Notes of the Select Committee on this part of the Bill.

II.—THE RELEVANCY OF FACTS.

We have already pointed out the place which, in our opinion, belongs to this subject in the law of evidence. The question, What facts may you prove? obviously lies at the root of the whole matter, and unless a plain and full answer is given to the question, it is impossible to state the law systematically. The answer to the question is, we think, to be found in several of the wide exceptions which are made by English text-writers to the wide exclusive rules—that evidence must be confined to the points in issue, that hearsay is no evidence, and that the best evidence must be given, though other parts of the same exceptions are to be found in different branches of the law. We think, however, that by a comparison and collection of these exceptions we have succeeded in forming a collection of positive rules as to the relevancy of facts to the issue, which will admit every fact which a rational man could wish to have before him in investigating any question of fact.

These rules declare to be relevant—

(1) all facts in issue;

(2) all collateral facts, which

(*a*) form part of the same transaction;

(*b*) are the immediate occasion, cause, or effect of facts in issue;

(*c*) show motive, preparation, or conduct affected by a fact in issue;

(*d*) are necessary to be known in order to introduce or explain relevant facts;

(*e*) are done or said by a conspirator in furtherance of a common design;

(*f*) are either inconsistent with any fact in issue; or inconsistent with it, except upon a supposition which should be proved by the other side; or render its existence or non-existence morally certain, according to the definition of moral certainty given above;

(*g*) affect the amount of damages in cases where damages are claimed;

(*h*) show the origin or existence of a disputed right or custom;

(*i*) show the existence of a relevant state of mind and body;

(*k*) show the existence of a series of which a relevant fact forms a part; or

(*l*) show (in certain cases) the existence of a given course or business.

The remainder of the Chapter throws into a positive shape what in English law forms the exceptions to the rule, excluding the various matters described as hearsay. They relate to—

the conduct of the parties on previous occasions;
the statements of the parties on previous occasions;
previous judgments;
statements of third persons;
opinions of third persons.

1.—In reference to the conduct of the parties on previous occasions, we embody in three sections the existing law of England as to evidence of character, with some modifications. We include, under the word 'character,' both reputation and disposition, and we permit evidence to be given of previous convictions against a prisoner for the purpose of prejudicing him. We do not see why he should not be prejudiced by such evidence, if it is true.

2.—Under the head of The Statements of the Parties on other Occasions, we deal with the question of admissions, as to which we have not materially altered the existing law.

3.—Previous judgments appear to follow naturally upon previous statements. Under this head we deal with the question of *res judicata*.

We have not attempted to deal with the question of the bar of suits by previous judgments between the same parties. This is a question of procedure rather than of evidence, and will be properly dealt with whenever the Codes of Civil and Criminal Procedure are re-enacted. We have, on the other hand, dealt in substantial accordance with the principles of the law of England with the question of the relevancy of judgments between strangers. For the sake of simplicity, and in order to avoid the difficulty of defining or enumerating judgments *in rem*, we have adopted the statement of the law by Sir Barnes Peacock in *Kunya Lal* v. *Radha Churn*, 7 Suth. W. R., 339.

4. As to statements by third persons we have made one considerable alteration in the existing law by admitting, generally, statements made by third persons about relevant facts, if attended by conduct which confirms their truth, or if they refer to facts independently proved, provided that the person making them appears to the Court to have special means of knowledge. We have given several illustrations of this, the strongest of which is suggested by Mr. Pitt Taylor. A captain about to sail on a voyage carefully examines the ship, declares his belief that she is sea-worthy, and embarks on her with his family uninsured. Statements of this sort are surely most unlikely to be false. Evidence of such statements will be admissible under this section, whether the person who makes them is living or dead, producible or not. Some of them would probably be admissible under the English rule which admits statements explanatory of conduct; but as the conduct explained must be relevant, and as no clear definition of relevancy is given by the law of England, it is very difficult to say how far this rule extends.

The next exception refers to statements made by a person who is dead or cannot be found or produced without unreasonable delay or expense. We declare such statements to be relevant if

they relate to the cause of the person's death, or are made in the ordinary course of business, or express an opinion as to the existence of a public right, or state the existence of any relationship as to which the party had special means of knowledge, or when they are made in family pedigrees, titles, deeds, &c. We have omitted the restrictions placed by the law of England on the admission of dying declarations and statements about relationship, and as to the necessity that statements should be opposed to the pecuniary interest of the party making them, on the ground that they ought to affect the weight rather than the admissibility of what is, at best, to use Bentham's expression, "makeshift evidence."

We also provide for the admissibility of statements in public or official books, and (in certain cases) of evidence given in previous judicial proceedings.

5. The cases in which the opinions of third persons are relevant are dealt with in sections forty-four to fifty.

They declare to be relevant the opinions of experts, opinions as to handwriting, opinions as to usages, and opinions as to relationship, and the grounds of such opinions.

This completes that part of the Bill which relates to the relevancy of facts. In the particulars stated, and in some others of minor importance, which, for the sake of brevity we have not noticed, it modifies the law of England; but we believe that, substantially, it represents that part of the law which is contained in (amongst others) the rules, together with the exceptions to the rules, that evidence must be confined to points in issue; that the best evidence must be given, and that hearsay is no evidence, though these rules include other matters which we treat of under other heads.

Chapter II.—Of the Relevancy of Facts.

Evidence may be given of facts in issue and relevant facts.

5. Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant, and of no others.

Explanation.—This section shall not enable any person to give evidence of a fact which he is disentitled to prove by any provision of the law for the time being in force relating to Civil Procedure.

Illustration.

(*a*.) A is tried for the murder of B by beating him with a club with the intention of causing his death.

At A's trial the following facts are in issue:—

A's beating B with the club;
A's causing B's death by such beating;
A's intention to cause B's death.

(*b*.) A suitor does not bring with him, and have in readiness for production at the first hearing of the case, a bond on which he relies. This section does not enable him to produce the bond or prove its contents at a subsequent stage of the proceedings, otherwise than in accordance with the conditions prescribed by the Code of Civil Procedure.

Relevancy of facts forming part of same transaction.

6. Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same time and place or at different times and places.

Illustrations.

(*a*) A is accused of the murder of B by beating him. Whatever was said or done by A or B or the by-standers at the beating, or so shortly before or after it as to form part of the transaction, is a relevant fact.

(*b*) A is accused of waging war against the Queen by taking part in an armed insurrection in which property is destroyed, troops are attacked, and gaols are broken open. The occurrence of these facts is relevant, as forming part of the general transaction, though A may not have been present at all of them.

(*c*) A sues B for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, though they do not contain the libel itself.

(*d*) The question is whether certain goods ordered from B were delivered to A. The goods were delivered to several intermediate persons successively. Each delivery is a relevant fact.

Facts which are occasion, cause, or effect of facts in issue.

7. Facts which are the occasion, cause, or effect, immediate or otherwise, of relevant facts, or facts in issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction, are relevant.

Illustrations.

(*a.*) The question is, whether A robbed B.

The facts that, shortly before the robbery, B went to a fair with money in his possession, and that he showed it, or mentioned the fact that he had it, to third persons, are relevant.

(*b.*) The question is, whether A murdered B.

Marks on the ground, produced by a struggle, at or near the place where the murder was committed, are relevant facts.

(*c.*) The question is, whether A poisoned B.

The state of B's health before the symptoms ascribed to poison, and habits of B, known to A, which afforded an opportunity for the administration of poison, are relevant facts.

Motive, preparation and previous or subsequent conduct.

8. Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

The conduct of any party, or of any agent to any party, to any suit or proceeding in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact, and whether it was previous or subsequent thereto.

Explanation 1.—The word "conduct" in this section does not include statements, unless those statements accompany and explain acts other than statements: but this explanation is not to affect the relevancy of statements under any other section of this Act.

Explanation 2.—When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

Illustrations.

(*a.*) A is tried for the murder of B.

The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public, are relevant.

(*b.*) A sues B upon a bond for the payment of money. B denies the making of the bond.

The fact that, at the time when the bond was alleged to be made, B required money for a particular purpose, is relevant.

(*c.*) A is tried for the murder of B by poison.

The fact that, before the death of B, A procured poison similar to that which was administered to B, is relevant.

(*d.*) The question is whether a certain document is the will of A.

The facts that, not long before the date of the alleged will, A made inquiry into matters to which the provisions of the alleged will relate, that he consulted vakils in reference to making the will, and that he caused drafts of other wills to be prepared, of which he did not approve, are relevant.

(*e.*) A is accused of a crime.

The facts that, either before, or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favorable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of persons who might have been witnesses, or suborned persons to give false evidence respecting it, are relevant.

(*f.*) The question is, whether A robbed B.

The facts that, after B was robbed, C said in A's presence—'the police are coming to look for the man who robbed B',—and that immediately afterwards A ran away, are relevant.

(*g.*) The question is, whether A owes B rupees 10,000.

The facts that A asked C to lend him money, and that D said to C in A's presence and hearing—'I advise you not to trust A, for he owes B 10,000 rupees,'—and that A went away without making any answer, are relevant facts.

(*h.*) The question is, whether A committed a crime.

The fact that A absconded after receiving a letter warning him that inquiry was being made for the criminal, and the contents of the letter, are relevant.

(*i.*) A is accused of a crime.

The facts that, after the commission of the alleged crime, he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which were or might have been used in committing it, are relevant.

(*j.*) The question is, whether A was ravished.

The facts that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which, and the terms in which, the complaint was made, are relevant.

The fact that, without making a complaint, she said that she had been ravished, is not relevant as conduct under this section, though it may be relevant

as a dying declaration under section 32 (1), or

as corroborative evidence under section 157.

(*k.*) The question is, whether A was robbed.

The fact that, soon after the alleged robbery, he made a complaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant.

The fact that he said he had been robbed without making any complaint is not relevant as conduct under this section, though it may be relevant

as a dying declaration under section 32, clause (1), or

as corroborative evidence under section 157.

Facts necessary to explain or introduce relevant facts.

9. Facts necessary to explain or introduce a fact in issue or relevant fact, or which support or rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of anything or person whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

Illustrations.

(*a.*) The question is, whether a given document is the will of A.

The state of A's property and of his family at the date of the alleged will may be relevant facts.

(*b.*) A sues B for a libel imputing disgraceful conduct to A. B affirms that the matter alleged to be libellous is true.

The position and relations of the parties at the time when the libel was published may be relevant facts as introductory to the facts in issue.

The particulars of a dispute between A and B about a matter unconnected with the alleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between A and B.

(*c.*) A is accused of a crime.

The fact that, soon after the commission of the crime, A absconded from his house, is relevant, under section eight, as conduct subsequent to and affected by facts in issue.

The fact that, at the time when he left home, he had sudden and urgent business at the place to which he went, is relevant as tending to explain the fact that he left home suddenly.

The details of the business on which he left are not relevant, except in so far as they are necessary to show that the business was sudden and urgent.

(*d.*) A sues B for inducing C to break a contract of service made by him with A. C, on leaving A's service, says to A—'I am leaving you because B has made me a better offer.' This statement is a relevant fact as explanatory of C's conduct, which is relevant as a fact in issue.

(*e.*) A, accused of theft, is seen to give the stolen property to B, who is seen to give it to A's wife. B says, as he delivers it—'A says you are to hide this.' B's statement is relevant as explanatory of a fact which is part of the transaction.

(*f.*) A is tried for a riot and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.

Things said or done by conspirator in reference to common design.

10. Where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong, any thing said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.

Illustration.

(*a.*) Reasonable ground exists for believing that A has joined in a conspiracy to wage war against the Queen.

The facts, that B procured arms in Europe for the purpose of the conspiracy, C collected money in Calcutta for a like object, D persuaded persons to join the conspiracy in Bombay, E published writings advocating the object in view at Agra; and F transmitted from Delhi to G at Cabul the money which C had collected at Calcutta, and the contents of a letter written by H giving an account of the conspiracy, are each relevant, both to prove the existence of the conspiracy and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it.

When facts not otherwise relevant become relevant.

11. Facts not otherwise relevant are relevant—

(1) if they are inconsistent with any fact in issue or relevant fact;

(2) if by themselves or in connection with other facts they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable (1).

(1) Mr. Stephen (Indian Evidence Act, pp. 122, 123) writes that the meaning of this section would have been more fully expressed had the following words been added to it:—

"No statement shall be regarded as rendering the matter stated highly probable within the meaning of this section unless it is declared to be a relevant fact under some other section of this Act."

This is to guard against the admission of facts apparently relevant, but not really so, such as, statements on facts made by persons not called as witnesses; transactions similar to but unconnected with the facts in issue; opinions formed by persons as to the facts in issue or relevant facts. Thus, A, not called as a witness, was heard to declare that he had seen B commit a crime. *This declaration is not a relevant fact.* This section is intended to include only "facts which either exclude or imply more or less distinctly the existence of the facts sought to be proved."

Illustrations.

(*a.*) The question is, whether A committed a crime at Calcutta on a certain day.

The fact that on that day A was at Lahore is relevant.

The fact that near the time when the crime was committed, A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it, is relevant.

(*b.*) The question is, whether A committed a crime.

The circumstances are such that the crime must have been committed either by A, B, C, or D. Every fact which shows that the crime could have been committed by no one else, and that it was not committed by either B, C or D, is relevant (2).

(2) Under this section the character of a prosecutrix for chastity in a charge of rape and the general character of a prisoner is relevant.

In suits for damages, facts tending to enable Court to determine amount are relevant.

12. In suits in which damages are claimed, any fact which will enable the Court to determine the amount of damages which ought to be awarded is relevant.

Facts relevant when right or custom is in question.

13. Where the question is as to the existence of any right or custom, the following facts are relevant:—

(*a.*) Any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied, or which was inconsistent with its existence.

(*b.*) Particular instances in which the right or custom was claimed, recognized, or exercised, or in which its exercise was disputed, asserted or departed from.

Illustration.

The question is, whether A has a right to a fishery. A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father, irreconcileable with the mortgage, particular instances in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours, are relevant facts.

Fact showing existence of state of mind, or of body or bodily feeling.

14. Facts showing the existence of any state of mind—such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling—are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.

Explanation.—A fact relevant as showing the existence of a relevant state of mind must show that it exists, not generally, but in reference to the particular matter in question.

Illustrations.

(*a.*) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a particular stolen article.

The fact that at the same time he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession to be stolen.

(*b.*) A is accused of fraudulently delivering to another person a piece of counterfeit coin, which, at the time when he delivered it, he knew to be counterfeit.

The fact that, at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin, is relevant.

(*c*). A sues B for damage done by a dog of B's, which B knew to be ferocious.

The facts that the dog had previously bitten X, Y and Z, and that they had made complaints to B, are relevant.

(*d*). The question is whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious.

The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payee had been a real person, is relevant, as showing that A knew that the payee was a fictitious person.

(*e*). A is accused of defaming B by publishing an imputation intended to harm the reputation of B.

The fact of previous publications by A respecting B, showing ill-will on the part of A towards B, is relevant, as proving A's intention to harm B's reputation by the particular publication in question.

The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B.

(*f*). A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss.

The fact that, at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persons dealing with him, is relevant, as showing that A made the representation in good faith.

(*g*). A is sued by B for the price of work done by B, upon a house of which A is owner, by the order of C, a contractor.

A's defence is that B's contract was with C.

The fact that A paid C for the work in question is relevant, as proving that A did, in good faith, make over to C the mangement of the work in question, so that C was in a position to contract with B on C's own account, and not as agent for A.

(*h*). A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found.

The fact that public notice of the loss of the property had been given in the place where A was, is relevant, as showing that A did not in good faith believe that the real owner of the property could not be found.

The fact that A knew, or had reason to believe, that the notice was given fraudulently by C, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith.

(*i*). A is charged with shooting at B with intent to kill him. In order to show A's intent, the fact of A's having previously shot at B may be proved.

(*j*). A is charged with sending threatening letters to B. Threatening letters previously sent by A to B may be proved, as showing the intention of the letters.

(*k*). The question is, whether A has been guilty of cruelty towards B, his wife.

Expressions of their feeling towards each other shortly before or after the alleged cruelty are relevant facts.

(*l*). The question is, whether A's death was caused by poison.

Statements made by A during his illness as to his symptoms, are relevant facts.

(*m*). The question is, what was the state of A's health at the time when an assurance on his life was effected.

Statements made by A as to the state of his health at or near the time in question, are relevant facts.

(*n*). A sues B for negligence in providing him with a carriage for hire not reasonably fit for use, whereby A was injured.

The fact that B's attention was drawn on other occasions to the defect of that particular carriage, is relevant.

The fact that B was habitually negligent about the carriages which he let to hire, is irrelevant.

(*o*). A is tried for the murder of B by intentionally shooting him dead.

The fact that A, on other occasions, shot at B is relevant, as showing his intention to shoot B.

The fact that A was in the habit of shooting at people with intent to murder them, is relevant.

(*p*). A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime, is relevant.

The fact that he said something indicating a general disposition to commit crimes of that class, is relevant.

Facts bearing on question whether act was accidental or intentional.

15. When there is a question whether an act was accidental or intentional, the fact that such act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, is relevant.

Illustrations.

(*a*). A is accused of burning down his house in order to obtain money for which it is insured.

The facts that A lived in several houses successively, each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from a different insurance office, are relevant, as tending to show that the fires were not accidental.

(*b*). A is employed to receive money from the debtors of B. It is A's duty to make entries in a book showing the amounts received by him. He makes an entry showing that on a particular occasion he received less than he really did receive.

The question is, whether this false entry was accidental or intentional.

The facts that other entries made by A in the same book are false, and that the false entry is in each case in favour of A, are relevant.

(*c*). A is accused of fraudulently delivering to B a counterfeit rupee.

The question is, whether the delivery of the rupee was accidental.

The facts that soon before or soon after the delivery to B, A delivered counterfeit rupees to C, D and E are relevant, as showing that the delivery to A was not accidental.

Existence of course of business when relevant.

16. When there is a question whether a particular act was done, the existence of any course of business, according to which it naturally would have been done, is a relevant fact.

Illustrations.

(*a*). The question is, whether a particular letter was despatched.

The facts that it was the ordinary course of business for all letters put in a certain place to be carried to the post, and that that particular letter was put in that place, are relevant.

(*b*). The question is, whether a particular letter reached A. The facts that it was posted in due course, and was not returned through the Dead Letter Office, are relevant.

ADMISSIONS.

Admissions defined.

17. An admission is a statement, (1) oral or documentary, (2) which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons, and under the circumstances, hereinafter mentioned.

(1). Admissions of conduct are facts and governed by the same law as facts, see s. 11.

(2). Regard should always be had to the surrounding circumstances, and such statements should always be taken in their entirety.

Admission—

by party to proceeding or his agent;

18. Statements made by a party to the proceeding, or by an agent to any such party, whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

by suitor in representative character;

Statements made by parties to suits suing or sued in a representative character are not admissions, unless they were made while the party making them held that character.

by party interested in subject-matter;

Statements made by—

(1) persons who have any proprietary or pecuniary interest in the subject-matter of the proceeding, and who make the statement in their character of persons so interested, or

(2) persons from whom the parties to the suit have derived their interest in the subject-matter of the suit,

are admissions if they are made during the continuance of the interest of the persons making the statements.

by person from whom interest derived.

19. Statements made by persons whose position or liability it is necessary to prove as against any party to the suit, are admissions if such statements would be relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.

Admissions by persons whose position must be proved as against party to suit.

Illustration.

A undertakes to collect rents for B.

B sues A for not collecting rent due from C to B.

A denies that rent was due from C to B.

A statement by C that he owed B rent is an admission, and is a relevant fact as against A, if A denies that C did owe rent to B.

Admissions by persons expressly referred to by party to suit.

20. Statements made by persons to whom a party to the suit has expressly referred for information in reference to a matter in dispute, are admissions.

Illustration.

The question is, whether a horse sold by A to B is sound.

A says to B—"Go and ask C, C knows all about it." C's statement is an admission.

Relevancy of admissions against or in behalf of persons concerned.

21. Admissions are relevant and may be proved as against the person who makes them, or his representative in interest; but they cannot be proved by or on behalf of the person who makes them or by his representative in interest, except in the following cases:—

(1.) An admission may be proved by or on behalf of the person making it when it is of such a nature that, if the person making it were dead, it would be relevant as between third persons under section thirty-two.

(2.) An admission may be proved by or on behalf of the person making it when it consists of a statement of the existence of any state of mind or body, relevant or in issue, made at or about the time when such state of mind or body existed, and is accompanied by conduct rendering its falsehood improbable (1).

(1.) "Whatever a party voluntarily admits to be true, though the admission be contrary to his interests may reasonably be taken for the truth."

"As against himself it is to be presumed that a man's actions and representations correspond with the truth." *Starkie.*

(3.) An admission may be proved by or on behalf of the person making it if it is relevant otherwise than as an admission.

Illustrations.

(*a.*) The question between A and B is, whether a certain deed is or is not forged. A affirms that it is genuine, B that it is forged.

A may prove a statement by B that the deed is genuine, and B may prove a statement by A that the deed is forged; but A cannot prove a statement by himself that the deed is genuine, nor can B prove a statement by himself that the deed is forged.

(*b.*) A, the captain of a ship, is tried for casting her away.

Evidence is given to show that the ship was taken out of her proper course.

A produces a book kept by him in the ordinary course of his business, showing observations alleged to have been taken by him from day to day, and indicating that the ship was not taken out of her proper course. A may prove these statements, because they would be admissible between third parties if he were dead under section thirty-two, clause (2).

(*c.*) A is accused of a crime committed by him at Calcutta.

He produces a letter written by himself and dated at Lahore on that day and bearing the Lahore post-mark of that day.

The statement in the date of the letter is admissible, because, if A were dead it would be admissible under section thirty-two, clause (2).

(*d.*) A is accused of receiving stolen goods knowing them to be stolen.

He offers to prove that he refused to sell them below their value.

A may prove these statements, though they are admissions, because they are explanatory of conduct influenced by facts in issue.

(*e.*) A is accused of fraudulently having in his possession counterfeit coin which he knew to be counterfeit.

He offers to prove that he asked a skilful person to examine the coin, as he doubted whether it was counterfeit or not, and that that person did examine it and told him it was genuine.

A may prove these facts for the reasons stated in the last preceding illustrations.

When oral admissions as to contents of documents are relevant.

22. Oral admissions as to the contents of a document are not relevant, unless and until the party proposing to prove them shows that he is entitled to give secondary evidence of the contents of such document under the rules hereinafter contained, or unless the genuineness of a document produced is in question.

Admissions in civil cases when relevant.

23. In civil cases no admission is relevant, if it is made either upon an express condition that evidence of it is not to be given, or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.

Explanation.—Nothing in this section shall be taken to exempt any barrister, pleader, attorney or vakíl from giving evidence of any matter of which he may be compelled to give evidence under Section 126.

Confession caused by inducement, threat or promise irrelevant.

24. A confession made by an accused person is irrelevant in a criminal proceeding, if the making of the confession appears to the Court to have been caused by any inducement (1) threat or promise, having reference to the charge against the accused person (2) proceeding from a person in authority (3) and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal (4) nature in reference to the proceedings against him (5).

(1) A simple caution to the accused to tell the truth would not amount to an inducement, because he is only reminded that he need not say any thing, but if he says any thing to let it be true, but if this advice be coupled with any expression that it will be *better* for him to say the truth this would probably be held to be an inducement invalidating the confession.

(2) This would seem to coincide with the English law (see Goodeve, page 559), "nor would an influence of a personal and collateral benefit, as for example, a promise to strike off the handcuffs,—to give the accused some spirits,—or let him see his wife" invalidate a confession, for none of these would be inducements or promises *having reference to the charge against the accused*, or calculated to give him grounds for supposing that by making it he would gain any advantage, &c., *in reference to the proceedings against him.*

(3) *e. g.* The prosecutor, his wife, or attorney, the master or mistress of the accused (where the offence concerns them), the constable or other officer acting in the apprehension of the party, or having him in custody, a Magistrate, a person having only temporary custody and the like (Goodeve, page 555).

(4) Thus religious influence would not vitiate a confession.

(5) Confessions are often best evidence against an accused, but they are not by any means so in every case; there are many motives such as of hope or fear, morbid ambition to attain an infamous notoriety, insane or criminal desire to be rid of life, anxiety to screen a relative or comrade, the delusions of an overwrought imagination; the hope that by confessing to a small crime a greater may be concealed, the chance of deluding the police gaining time, and throwing them on a false scent, which have over and over again been the cause of false confessions. These causes operate not unfrequently in India as among soldiers who commit crime to obtain transmission to England, and among natives who have been known to prefer life inside a jail to life outside. Care is therefore as necessary in the reception of this as of any other kind of evidence.

Confession made to a Police officer not to be used as evidence.

25. No confession made to a Police officer shall be proved as against a person accused of any offence (1).

(1) This rule is rightly an unconditional one, and in no way dependent on any of the terms mentioned in Section 24.

Confession made by accused while in custody of Police not to be used as evidence.

26. No confession made by any person (1) whilst he is in the custody of a Police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

(1) See notes to Sec. 122, C. P. C., p. 98.

So much of statement or confession made by accused as relates to fact thereby discovered, may be proved.

27. Provided that, when any fact is disposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a Police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered may be proved (1).

(1) "If the *prisoner himself delivers up* the goods *stolen*, the fact that this was done *upon inducements to confess held out by persons* in authority, will afford no ground for rejecting his declarations, *contemporaneous with the act of delivery, and explanatory of its object*, though they may amount to a confession of guilt. But whatever he may have said at the same time, *not qualifying or explaining the act of delivery, is to be rejected.* And, if notwithstanding the prisoner's confession thus improperly induced, and any acts done by him in furtherance of the discovery, the *search* for the property or person in question *be ineffectual*, no proof of either the confession or the acts can be received. The confession is excluded because, being made under the influence of a promise, it cannot be relied upon; and the acts done under the same influence, not being confirmed by the finding of the property or person, are open to the same objection. The influence which may produce a groundless confession may also produce groundless conduct. (Taylor on Evidence, Vol. I, page 799).

Confession made after removal of impression caused by inducement, threat or promise relevant.

28. If such a confession as is referred to in Section 24 is made after the impression caused by any such inducement, threat, or promise has, in the opinion of the Court, been fully removed, it is relevant.

Confession otherwise relevant not to become irrelevant because of promise of secrecy, &c.

29. If such a confession is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk (1) or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such confession, and that evidence of it might be given against him.

(1) Such confessions should, however, be carefully weighed. Would a statement made by a prisoner talking in his sleep be admissible as a confession. We think not; had it been intended to make it admissible it surely would have been entered here.

Consideration of proved confession affecting person making it and others jointly under trial for same offence.

30. When more persons than one are being tried jointly for the same offence, and a confession made by one of such persons affecting himself and some other of such persons is proved, the Court may take into consideration such confession as against such other person as well as against the person who makes such confession (1).

(1) This is a very serious alteration, in all previous law, English or Indian, it need hardly be descanted upon how prone human nature is to exculpate self at the expense of another.

Illustrations.

(*a.*) A and B are jointly tried for the murder of C. It is proved that A said,—"B and I murdered C." The Court may consider the effect of this confession as against B.

(*b.*) A is on his trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said,—"A and I murdered C."

This statement may not be taken into consideration by the Court against A, as B is not being jointly tried.

Admissions not conclusive proof, but may estop.

31. Admissions are not conclusive proof of the matters admitted, but they may operate as estoppels under the provisions hereinafter contained.

STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

Cases in which statement of relevant fact by person who is dead or cannot be found, &c., is relevant.

32. Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which, under the circumstances of the case, appears to the Court unreasonable, are themselves relevant facts in the following cases:—

When it relates to cause of death.

(1). When the statement is made by a person, as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question (1).

(1) Dying declarations have to be received with caution for—

1st.—The particulars of the violence to which the deceased has spoken were likely to have occurred under circumstances of confusion and surprise such as would ordinarily prevent their being accurately observed.

2ndly.—The consequences of such violence may have occasioned injury to the mind and indistinctness of memory as to the particular transaction.

3rd.—The deceased may have stated inferences from facts about which he may have drawn a wrong conclusion, or he may have omitted important particulars.

4th.—Naturally enough he may give a partial account of the occurrence even without animosity or ill will.

5th.—Animosity, resentment and anger may not have been entirely extinguished.

6th.—If verbal it is liable to have been misunderstood and misreported owing to inattention, carelessness or infirmity of memory.

7th.—They are subject to no cross-examination. Such declarations are admissible both for and against the prisoner.

It is no objection that the deponent was a participant in the crime which caused death.

Such statements are relevant whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question.

or is made in course of business;

(2.) When the statement was made by such person in the ordinary course of business, and in particular when it consists of any entry or memorandum made by him (2) in books kept in the ordinary course of business, or in the discharge of professional duty; or of an acknowledgment written or signed by him of the receipt of money, goods, securities or property of any kind; or of a document used in commerce written or signed by him, or of the date of a letter or other document usually dated, written or signed by him.

(2) Made by *him himself*, not by his clerk, agent or any third person.

or against interest of maker;

(3.) When the statement is against the pecuniary or proprietary interest of the person making it, or when, if true, it would expose him or would have exposed him to a criminal prosecution or to a suit for damages.

or gives opinion as to public right or custom or matters of general interest;

(4.) When the statement gives the opinion of any such person, as to the existence of any public right (3) or custom or matter of public or general (4) interest (5) of the existence of which, if it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom or matter had arisen.

(3) *e. g.*, boundaries between different districts or other divisions, limits of a town or village, rights to water-courses, tanks, or ghauts, the existence of ancient customs in particular localities, ancient privileges or immunities, as a right to take on an immunity from toll on a road, bridge, ferry, &c., pasturage rights on a maidan, liability to repair highway or bridge (Goodeve, page 432).

(4) *i. e.*, which affects many but not the whole community, in this case proof of competent knowledge in the deponent is more necessary than in cases of public interest.

(5) *i. e.*, pecuniary or one by which the legal rights or liabilities of the deponent or community in question are affected, not interesting from curiosity or love of information or amusement (Goodeve, page 433).

(5.) When the statement relates to the existence of any relationship by blood, marriage or adoption (Act XVIII of 1872) between persons as to whose relationship by blood, marriage or adoption (Act XVIII of 1872) the person making the statement had special means of knowledge, and when the statement was made before the question in dispute was raised (6).

or relates to existence of relationship;

(6) Great English Judges receive this evidence with great care and considerable jealousy even when they believe it to be sincerely given.

(6.) When the statement relates to the existence of any relationship by blood, marriage or adoption (Act XVIII of 1872) between persons deceased, and is made in any will or deed relating to the affairs of the family to which any such deceased person belonged, or in any family pedigree, or upon any tombstone, family portrait or other thing on which such statements are usually made, and when such statement was made before the question in dispute was raised.

or is made in will or deed of deceased person;

(7.) When the statement is contained in any deed, will or other document which relates to any such transaction as is mentioned in section thirteen, clause (*a*).

or relates to transaction mentioned in section 13, clause (*a*);

(8.) When the statement was made by a number of persons, and expressed feelings or impressions on their part relevant to the matter in question.

or is made by several persons, and expresses feeling relevant to matter in question.

Illustrations.

(*a*.) The question is, whether A was murdered by B; or

A dies of injuries received in a transaction in the course of which she was ravished. The question is whether she was ravished by B; or

The question is, whether A was killed by B under such circumstances that a suit would lie against B by A's widow.

Statements made by A as to the cause of his or her death, referring respectively to the murder, the rape, and the actionable wrong under consideration, are relevant facts.

(*b*.) The question is as to the date of A's birth.

An entry in the diary of a deceased surgeon, regularly kept in the course of business, stating that, on a given day, he attended A's mother and delivered her of a son, is a relevant fact.

(*c*.) The question is, whether A was in Calcutta on a given day.

A statement in the diary of a deceased solicitor, regularly kept in the course of business, that, on a given day, the solicitor attended A at a place mentioned in Calcutta for the purpose of conferring with him upon specified business, is a relevant fact.

(*d*.) The question is, whether a ship sailed from Bombay harbour on a given day.

A letter written by a deceased member of a merchant's firm, by which she was chartered, to their correspondents in London to whom the cargo was consigned, stating that the ship sailed on a given day from Bombay harbour, is a relevant fact.

(*e*.) The question is, whether rent was paid to A for certain land.

A letter from A's deceased agent to A saying that he had received the rent on A's account and held it at A's orders, is a relevant fact.

(*f*.) The question is, whether A and B were legally married.

The statement of a deceased clergyman that he married them under such circumstances that the celebration would be a crime, is relevant.

(*g*.) The question is, whether A, a person who cannot be found, wrote a letter on a certain day. The fact that a letter written by him is dated on that day, is relevant.

(*h*.) The question is, what was the cause of the wreck of the ship.

A protest made by the captain, whose attendance cannot be procured, is a relevant fact.

(*i*.) The question is, whether a given road is a public way.

A statement by A, a deceased headman of the village, that the road was public, is a relevant fact.

(*j*.) The question is, what was the price of grain on a certain day in a particular market. A statement of the price made by a deceased bánya in the ordinary course of his business, is a relevant fact.

(*k*.) The question is, whether A, who is dead, was the father of B.

A statement by A that B was his son, is a relevant fact.

(*l*.) The question is, what was the date of the birth of A.

A letter from A's deceased father to a friend, announcing the birth of A on a given day, is a relevant fact.

(*m.*) The question is, whether, and when, A and B were married.

An entry in a memorandum book by C, the deceased father of B of his daughter's marriage with A at a given date, is a relevant fact.

(*n.*) A sues B for a libel expressed in a painted caricature exposed in a shop window. The question is as to the similarity of the caricature and its libellous character. The remarks of a crowd of spectators on these points may be proved.

Evidence in a former judicial proceeding when relevant.

33. Evidence given by a witness in a judicial proceeding, or before any person authorized by law to take it, is relevant for the purpose of proving, in a subsequent judicial proceeding, or in a later stage of the same judicial proceeding, the truth of the facts which it states, when the witness is dead (1) or cannot be found (2) or is incapable of giving evidence (3) or is kept out of the way by the adverse party, or if his presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the Court considers unreasonable:

(1) It must not be a mere supposition of death, but there must be actual proof.
(2) After diligent inquiry.
(3) See Section 118.

Provided

that the proceeding was between the same parties or their representatives in interest;

that the adverse party in the first proceeding had the right and opportunity to cross-examine;

that the questions in issue were substantially the same in the first as in the second proceeding.

Explanation.—A criminal trial (4) or enquiry shall be deemed to be a proceeding between the prosecutor and the accused within the meaning of this section.

(4) For distinction between trial and inquiry, see s. 4, C. P. C., p. 5.

STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.

Entries in books of account when relevant.

34. Entries in books of account, regularly kept in the course of business, are relevant whenever they refer to a matter into which the Court has to enquire, but such statements shall not alone be sufficient evidence to charge any person with liability.

Illustration.

A sues B for Rs. 1,000 and shows entries in his account books showing B to be indebted to him to this amount. The entries are relevant, but are not sufficient without other evidence to prove the debt.

Entry in public record, made in performance of duty enjoined by law, when relevant.

35. An entry in any public or other official book, register, or record, stating a fact in issue or relevant fact and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record is kept, is itself a relevant fact.

Maps and plans when relevant.

36. Statements of facts in issue or relevant facts, made in published maps or charts generally offered for public sale, or in maps or plans made under the authority of Government, as to matters usually represented or stated in such maps, charts or plans, are themselves relevant facts.

Statement as to fact of public nature contained in any Act or Notification of Government, when relevant.

37. When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament or in any Act of the Governor-General of India in Council, or of the Governors in Council of Madras or Bombay, or of the Lieutenant-Governor in Council of Bengal, or in a notification of the

Government appearing in the *Gazette of India*, or in the Gazette of any Local Government, or in any printed paper purporting to be the *London Gazette* or the Government Gazette of any colony or possession of the Queen, is a relevant fact.

Statements in law-books.

38. When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.

How much of a Statement is to be proved.

What evidence to be given when statement forms part of a conversation, document books, or series of letters or papers.

39. When any statement of which evidence is given forms part of a longer statement, or of a conversation or part of an isolated document, or is contained in a document which forms part of a book, or of a connected series of letters or papers, evidence shall be given of so much and no more of the statement, conversation, document, book, or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made (1).

(1) Statements which are admissions or confessions should be considered in whole and not only in part.

Judgments of Courts of Justice when Relevant.

Previous judgments relevant to bar a second suit or trial.

40. The existence of any judgment, order or decree which by law prevents any Court from taking cognizance of a suit or holding a trial, is a relevant fact when the question is whether such Court ought to take cognizance of such suit, or to hold such trial.

Judgments in probate, &c., jurisdiction.

41. A final judgment, order or decree of a competent Court, in the exercise of probate, matrimonial, admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant when the existence of any such legal character, or the title of any such person to any such thing, is relevant.

Such judgment, order or decree is conclusive proof.

that any legal character which it confers accrued at the time when such judgment, order or decree came into operation;

that any legal character, to which it declares any such person to be entitled, accured to that person at the time when such judgment, order or decree (Act XVIII, 1872) declares it to have accrued to that person;

that any legal character which it takes away from any such person ceased at the time from which such judgment, order or decree (Act XVIII, 1872) declared that it had ceased or should cease;

and that any thing to which it declares any person to be so entitled was the property of that person at that time from which such judgment, order or decree (Act XVIII, 1872) declares that it had been or should be his property.

Judgment, order or decree between third parties when irrelevant and when not.

42. Judgments, orders or decrees other than those mentioned in Section 41 are relevant if they relate to matters of a public nature relevant to the enquiry; but such judgments, orders or decrees are not conclusive proof of that which they state.

Illustration.

A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies.

The existence of a decree in favor of the defendant, in a suit by A against C for a trespass on the same land, in which C alleged the existence of the same right of way, is relevant, but it is not conclusive proof that the right of way exists.

What judgments, &c., not relevant.

43. Judgments, orders or decrees, other than those mentioned in Sections 40, 41 and 42, are irrelevant, unless the existence of such judgment, order or decree, is a fact in issue, or is relevant under some other provision of this Act.

Illustrations.

(*a.*) A and B separately sue C for a libel which reflects upon each of them. C in each case says, that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither.

A obtains a decree against C for damages on the ground that C failed to make out his justification. The fact is irrelevant as between B and C.

(*b.*) A prosecutes B for adultery with C, A's wife.

B denies that C is A's wife, but the Court convicts B of adultery.

Afterwards, C is prosecuted for bigamy in marrying B during A's life-time. C says that she never was B's wife.

The judgment against B is irrelevant as against C.

(*c.*) A prosecutes B for stealing a cow from him. B is convicted.

A, afterwards, sues C for the cow which B had sold to him before his conviction. As between A and C, the judgment against B is irrelevant.

(*d.*) A has obtained a decree for the possession of land against B. C, B's son, murders A in consequence.

The existence of the judgment is relevant, as showing motive for a crime.

Fraud, collusion and incompetency of Court may be proved.

44. Any party to a suit or other proceeding may show that any judgment, order or decree which is relevant under Section 40, 41, or 42, and which has been proved by the adverse party, was delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

Opinions of Third Persons when relevant.

Opinions of experts.

45. When the Court has to form an opinion upon a point of foreign law, or of science or art, or as to identity of handwriting, the opinions upon that point of persons specially skilled in such foreign law, science or art, or in question as to identity of handwriting, (Act XVIII, 1872,) are relevant facts.

Such persons are called experts.

Illustrations.

(*a.*) The question is, whether the death of A was caused by poison.

The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.

(*b.*) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinions of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant.

(*c.*) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the same person or by different persons, are relevant.

Facts bearing upon opinions of experts.

46. Facts, not otherwise relevant, are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

Illustrations.

(*a.*) The question is, whether A was poisoned by a certain poison.

The fact that other persons, who were poisoned by that poison, exhibited certain symptoms which experts affirm or deny to be the symptoms of that poison, is relevant

(*b*) The question is, whether an obstruction to a harbour is caused by a certain sea wall.

The fact that other harbours similarly situated in other respects, but where there were no such sea walls, began to be obstructed at about the same time, is relevant.

Opinion as to handwriting.

47. When the Court has to form an opinion as to the persons by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

Explanation.—A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.

Illustration.

The question is, whether a given letter is in the handwriting of A, a merchant in London.

B is a merchant in Calcutta, who has written letters addressed to A and received letters purporting to be written by him. C is B's clerk, whose duty it was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the purpose of advising with him thereon.

The opinions of B, C and D on the question whether the letter is in the handwriting of A are relevant, though neither B, C nor D ever saw A write.

Opinion as to existence of right or custom, when relevant.

48. When the Court has to form an opinion as to the existence of any general custom or right, the opinions, as to the existence of such custom or right, of persons who would be likely to know of its existence if it existed, are relevant.

Explanation.—The expression 'general custom or right' includes customs or rights common to any considerable class of persons.

Illustration.

The right of the villagers of a particular village to use the water of a particular well is a general right within the meaning of this section.

Opinions as to usages, tenets, &c., when relevant.

49. When the Court has to form an opinion as to—

the usages and tenets of any body of men or family,

the constitution and government of any religious or charitable foundation, or

the meaning of words or terms used in particular districts or by particular classes of people,

the opinions of persons having special means of knowledge thereon, are relevant facts.

Opinion on relationship when relevant.

50. When the Court has to form an opinion as to the relationship of one person to another, the opinion, expressed by conduct, as to the existence of such relationship, of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact: Provided that such opinion shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act, or in prosecutions under Sections 494, 495, 497 or 498 of the Indian Penal Code.

Illustrations.

(*a.*) The question is, whether A and B were married.

The fact that they were usually received and treated by their friends as husband and wife, is relevant.

(*b.*) The question is, whether A was the legitimate son of B. The fact that A was always treated as such by members of the family, is relevant.

Grounds of opinion when relevant.

51. Whenever the opinion of any living person is relevant, the grounds on which such opinion is based are also relevant.

Illustration.

An expert may give an account of experiments performed by him for the purpose of forming his opinion.

Character when Relevant.

In civil cases, character to prove conduct imputed irrelevant.

52. In civil cases, the fact that the character of any person concerned is such as to render probable or improbable any conduct imputed to him, is irrelevant, except in so far as such character appears from facts otherwise relevant.

In criminal cases, previous good character relevant.

53. In criminal procedings, the fact that the person accused is of a good character, is relevant.

Previous conviction in criminal trials relevant, but not previous bad character, except in reply.

54. In criminal proceedings, the fact that the accused person has been previously convicted of any offence is relevant; but the fact that he has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant (1).

(1) See sections 326, 439, C. P. C.

Explanation.—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

Character as affecting damages.

55. In civil cases, the fact that the character of any person is such as to affect the amount of damages which he ought to receive, is relevant.

Explanation.—In Sections 52, 53, 54, and 55, the word 'character' includes both reputation and disposition; but evidence may be given only of general reputation and general disposition, and not of particular acts by which reputation or disposition were shown.

PART II.

On Proof.

Chapter III.—Facts which need not be proved.

Notes by Select Committee on Chapter III.

The second chapter having decided what facts are relevant we proved to show how a relevant fact is to be proved.

In the first place, the fact to be proved may be one of so much notoriety that the Court will take judicial notice of it, or it may be admitted by both parties. In either of these cases no evidence of its existence need be given. Chapter III, which relates to judicial notice, disposes of this subject. It is taken in part from Act II of 1855, in part from the Commissioners' Draft Bill, and in part from the law of England.

No evidence required of fact judicially noticed.

56. No fact of which the Court will take judicial notice need be proved.

Facts of which Court must take judicial notice.

57. The Court shall take judicial notice of the following facts:—

(1.) All laws or rules having the force of law now or heretofore in force or hereafter to be in force in any part of British India:

(2.) All public Acts passed or hereafter to be passed by Parliament, and all local and personal Acts directed by Parliament to be judicially noticed:

(3.) Articles of War for Her Majesty's Army or Navy:

(4.) The course of proceeding of Parliament and of the Councils for the purposes of making Laws and Regulations established under the Indian Councils' Act, or any other law for the time being relating thereto.

Explanation.—The word 'Parliament,' in clauses (2) and (4), includes—

1. The Parliament of the United Kingdom of Great Britain and Ireland;
2. The Parliament of Great Britain;
3. The Parliament of England;

4. The Parliament of Scotland; and
5. The Parliament of Ireland.

(5.) The accession and the sign manual of the Sovereign for the time being of the United Kingdom of Great Britain and Ireland:

(6.) All seals of which English Courts take judicial notice: the seals of all the Courts of British India, and of all Courts out of British India, established by the authority of the Governor-General or any Local Government in Council: the seals of Courts of Admiralty and Maritime Jurisdiction and of Notaries public, and all seals which any person is authorized to use by any Act of Parliament or other Act or Regulation having the force of law in British India:

(7.) The accession to office, names, titles, functions, and signatures of the persons filling for the time being any public office in any part of British India, if the fact of their appointment to such office is notified in the *Gazette of India*, or in the official Gazette of any Local Government:

(8.) The existence, title, and national flag of every State or Sovereign recognized by the British Crown:

(9.) The divisions of time, the geographical divisions of the world, and public festivals, fasts, and holidays notified in the official Gazette:

(10.) The territories under the dominion of the British Crown:

(11.) The commencement, continuance, and termination of hostilities between the British Crown and any other State or body of persons:

(12.) The names of the members and officers of the Court, and of their deputies and subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates, attorneys, proctors, vakils, pleaders and other persons authorized by law to appear or act before it:

(13.) The rule of the road on land or at sea. Act XVIII, 1872.

In all these cases, and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so, unless and until such person produces any such book or document as it may consider necessary to enable it to do so.

Facts admitted.

58. No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which, before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings: Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions.

Chapter IV.—Of Oral Evidence.

Notes by Mr. Stephen on Chapter IV.

From the rules which state what facts may be proved, we pass to those which prescribe the manner in which a relevant fact may be proved. Passing over technical matters, such as the law relating to judicial notice, questions relating to public documents and the like, these rules may be said to be three in number, though of course numerous introductory rules are required to adapt them for practice. They are these—

1.—If a fact is proved by oral evidence, it must be direct; that is to say, things seen must be deposed to by some one who says he saw them with his own eyes. Things heard by some one who says he heard them with his own ears.

2.—Original documents must be produced or accounted for before any other evidence can be given of their contents.

3.—When a contract has been reduced to writing it must not be varied by oral evidence.

These rules, as I have said, are subject to certain exceptions, and require certain practical adjustments; but I do not think that any one who has had practical experience of the working of Courts of Justice will deny their substantial soundness, or indeed the absolute practical necessity for enforcing them.

Notes by Select Committee on Chapter IV.

We next proceed to the question of proof by the various kinds of evidence successively, namely, oral, documentary, and material. With regard to oral evidence, we provide that it must in all cases

whatever, whether it is primary or secondary, and whether the fact to be proved is a fact in issue or collateral, be direct. That is to say, if the fact to be proved is one that could be seen, it must be proved by some one who says he saw it. If it could be heard, by some one who says he heard it, and so with the other senses. We also provide that, if the fact to be proved is the opinion of a living and producible person, or the grounds on which such opinion is held, it must be proved by the person who holds that opinion on those grounds.

We have, however, provided that if the fact to be proved is the opinion of an expert who cannot be called (which is the case in the majority of cases in this country), and if such opinion has been expressed in any published treatise it may be proved by the production of the treatise.

This provision, taken in connection with the provisions on relevancy contained in Chapter II, will, we hope, set the whole doctrine of hearsay in a perfectly plain light, for their joint effect is this—

(1) the sayings and doings of third persons are, as a rule, irrelevant, so that no proof of them can be admitted;

(2) in some excepted cases they are relevant;

(3) every act done, or word spoken, which is relevant on any ground, must (if proved by oral evidence) be proved by some one who saw it with his his own eyes, or heard it with his own ears.

Proof of facts by oral evidence.

59. All facts, except the contents of documents, may be proved by oral evidence.

Oral evidence must be direct.

60. Oral evidence must, in all cases, whatever, be direct; That is to say—

If it refers to a fact which could be seen, it must be the evidence of a witness who says he saw it;

If it refers to a fact which could be heard, it must be the evidence of a witness who says he heard it;

If it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner;

If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds:

Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved by the production of such treatises if the author is dead or cannot be found, or has become incapable of giving evidence, or cannot be called as a witness without an amount of delay or expense which the Court regards as unreasonable;

Provided also that, if oral evidence refers to the existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection.

Chapter V.—Of Documentary Evidence.

Notes by Select Committee on Chapter V.

If evidence has to be given of any fact, that evidence must be either oral, documentary, or material, and we proceed in the following chapters to deal with the peculiarity of each of these three kinds of evidence. There is, however, one topic which applies to all of them, of which we treat in Chapter V. This is the distinction between primary and secondary evidence. As we have already shown, the phrase is ambiguous. We regard it as a legal way of recognizing the obvious principle that the best way of finding out the contents of a document is to read it yourself, and we have accordingly defined primary and secondary evidence thus: in the case of documents or other material things the document or thing itself is primary evidence, a copy, model or oral description is secondary evidence. In all other cases oral evidence is primary.

The subject of presumptions as to documents is a very special matter, and appears to us to belong to the subject of documentary evidence, under which head we have placed it in Chapter V.

We may observe that this chapter contains most of the few presumptions which we have thought it right to introduce into the Bill. They are presumptions which in almost every instance will be true—as to the genuineness of certified copies, gazettes, books purporting to be published at particular places, copies of depositions, &c.

Lastly, many subjects are treated by English writers under the head of presumptions, which appear to us to belong rather to different branches of the substantive law, *e.g.*, the presumption that every one knows the law is in reality a branch of the substantive criminal law. We have

omitted such presumptions as these from the law of evidence, because they do not belong to the subject, and because many of them are fictitious.

Proof of contents of documents.

61. The contents of documents may be proved either by primary or by secondary evidence.

Primary evidence.

62. Primary evidence means the document itself produced for the inspection of the Court.

Explanation 1.—Where a document is executed in several parts, each part is primary evidence of the document:

Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.

Explanation 2.—Where a number of documents are all made by one uniform process, as in the case of printing, lithography, or photography, each is primary evidence of the contents of the rest; but where they are all copies, of a common original, they are not primary evidence of the contents of the original.

Illustration.

A person is shown to have been in possession of a number of placards, all printed at one time from one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original.

Secondary evidence.

63. Secondary evidence means and includes—

(1.) Certified copies given under the provisions hereinafter contained;

(2.) Copies made from the original by mechanical processes which in themselves insure the accuracy of the copy, and copies compared with such copies;

(3.) Copies made from or compared with the original;

(4.) Counterparts of documents as against the parties who did not execute them;

(5.) Oral accounts of the contents of a document given by some person who has himself seen it.

Illustrations.

(*a.*) A photograph of an original is secondary evidence of its contents, though the two have not been compared, if it is proved that the thing photographed was the original.

(*b.*) A copy compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.

(*c.*) A copy transcribed from a copy, but afterwards compared with the original, is secondary evidence; but the copy not so compared is not secondary evidence of the original, although the copy from which it was transcribed was compared with the original.

(*d.*) Neither an oral account of a copy compared with the original, nor an oral account of a photograph or machine-copy of the original, is secondary evidence of the original.

Proof of documents by primary evidence.

64. Documents must be proved by primary evidence except in the cases hereinafter mentioned.

Cases in which secondary evidence relating to documents may be given.

65. Secondary evidence may be given of the existence, condition or contents, of a document in the following cases:—

(*a.*) When the original is shown or appears to be in the possession or power (1)

of the person against whom the document is sought to be proved, or

of any person out of reach of, or not subject to, the process of the Court, or

of any person legally bound to produce it,

and when, after the notice mentioned in section sixty-six, such person does not produce it;

(1) Or of any person in privity with him as solicitor, banker, servant, agent, &c. But possession must be traced to him; for this slight evidence would be enough, as that it belonged to him, or in the course of business ought to be in his possession or was last traced to him, or by order of Court was entitled to it, though it be still in the hands of the Court. (Goodeve, p. 343.)

(*b.*) When the existence, condition or contents of the original have been proved to be admitted in writing by the persons against whom it is proved or by his representative in interest;

(*c.*) When the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time;

(*d.*) When the original is of such a nature as not to be easily moveable; (1)

(1) As inscriptions on rocks, grave stones, &c., marks on trees, proclamation in foreign country, &c.

(*e.*) When the original is a public document within the meaning of section seventy-four;

(*f.*) When the original is a document of which a certified copy is permitted by this Act, or by any other law in force in British India, to be given in evidence;

(*g.*) When the originals consist of numerous accounts or other documents which cannot conveniently be examined in Court, and the fact to be proved is the general result of the whole collection.

In cases (*a*), (*c*) and (*d*), any secondary evidence of the contents of the document is admissible.

In case (*b*), the written admission is admissible.

In case (*e*) or (*f*), a certified copy of the document, but no other kind of secondary evidence, is admissible.

In case (*g*), evidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

Rules as to notice to produce.

66. Secondary evidence of the contents of the documents referred to in section sixty-five, clause (*a*), shall not be given unless the party proposing (1) to give such secondary evidence has previously given to the party in whose possession or power the document is, "or to his attorney or pleader," (Act XVIII, 1872), such notice to produce it as is prescribed by law; and if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case (2):

(1) Having once declined to produce when formally called on at the trial to do so, he could not shut out the secondary evidence by afterwards changing his mind, and, on production of the original, call for proof by evidence of the attesting witness. Neither, after such refusal, would he be permitted to put the document into the hands of his opponent's witnesses for the purpose of cross examination, or to produce it as part of his own case.

(2) S. 118.

Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases, or in any other case in which the Court thinks fit to dispense with it:—

(1.) When the document to be proved is itself a notice;

(2.) When from the nature of the case, the adverse party must know that he will be required to produce it;

(3.) When it appears or is proved that the adverse party has obtained possession of the original by fraud or force;

(4.) When the adverse party or his agent has the original in Court;

(5.) When the adverse party or his agent has admitted the loss of the document;

(6.) When the person in possession of the document is out of reach of, or not subject to, the process of the Court.

Proof of signature and handwriting of person alleged to have signed or written document produced.

67. If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.

Proof of execution of document required by law to be attested.

68. If a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence (1).

(1) So dependent is handwriting upon the condition of mind or body of the writer and other circumstances that the test is far from being a fallible one. Native seals likewise are most unsatisfactory.

Proof where no attesting witness found.

69. If no such attesting witness can be found, or if the document purports to have been executed in the United Kingdom, it must be proved that the attestation of one attesting witness at least is in his handwriting, and that the signature of the person executing the document is in the handwriting of that person.

Admission of execution by party to attested document.

70. The admission of a party to an attested document of its execution by himself shall be sufficient proof of its execution as against him, though it be a document required by law to be attested.

Proof when attesting witness denies the execution.

71. If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence.

Proof of document not required by law to be attested.

72. An attested document not required by law to be attested may be proved as if it was unattested.

Comparison of handwritings.

73. In order to ascertain whether a signature, writing, or seal is that of the person by whom it purports to have been written or made, any signature, writing, or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any works or figures alleged to have been written by such person.

PUBLIC DOCUMENTS.

Public documents.

74. The following documents are public documents :—

1. Documents forming the Acts, or records of the Acts—

(i) of the sovereign authority,

(ii) of official bodies and tribunals, and

(iii) of public officers, legislative, judicial and executive, whether of British India, or of any other part of Her Majesty's dominions, or of a foreign country.

2. Public records kept in British India of private documents.

Private documents.

75. All other documents are private.

Certified copies of public documents.

76. Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies.

Explanation.—Any officer who, by the ordinary course of official duty, is authorized to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

Production of such copies.

77. Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

Proof of other official documents.

78. The following public documents may be proved as follows :—

(1.) Acts, orders or notifications of the Executive Government of British India in any of its departments, or of any Local Government or any department of any Local Government,

by the records of the departments certified by the heads of those departments respectively,

or by any document purporting to be printed by order of any such Government:

(2.) The proceedings of the Legislatures,

by the journals of those bodies respectively, or by published Acts or abstracts or by copies purporting to be printed by order of Government:

(3.) Proclamations, orders or regulations issued by Her Majesty or by the Privy Council, or by any department of Her Majesty's Government,

by copies or extracts contained in the *London Gazette*, or purporting to be printed by the Queen's Printer:

(4.) The Acts of the Executive or the proceedings of the legislature of a foreign country,

by journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or sovereign, or by a recognition thereof in some public Act of the Governor-General of India in Council:

(5.) The proceedings of a municipal body in British India,

by a copy of such proceedings certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body:

(6.) Public documents of any other class in a foreign country,

by the original, or by a copy certified by the legal keeper thereof, with a certificate, under the seal of a notary public or of a British Consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of the foreign country.

Presumptions as to Documents.

Presumption as to genuineness of certified copies.

79. The Court shall presume every document purporting to be a certificate, certified copy, or other document, which is by law declared to be admissible as evidence of any particular fact, and which purports to be duly certified, by any officer in British India, or by any officer in any Native State in alliance with Her Majesty, who is duly authorized thereto by the Governor-General in Council, to be genuine: Provided that such document is substantially in the form and purports to be executed in the manner directed by law in that behalf. The Court shall also presume that any officer, by whom any such document purports to be signed or certified, held, when he signed it, the official character which he claims in such paper.

Presumption on production of record of evidence.

80. Whenever any document is produced before any Court purporting to be a record or memorandum of the evidence or of any part of the evidence given by a witness in a judicial proceeding or before any officer authorized by law to take such evidence, or to be a statement or confession by any prisoner or accused person taken in accordance with law and purporting to be signed by any Judge or Magistrate or by any such officer as aforesaid, the Court shall presume—

that the document is genuine; that any statements, as to the circumstances under which it was taken, purporting to be made by the person signing it, are true, and that such evidence, statement or confession was duly taken.

Presumption as to Gazettes.

81. The Court shall presume the genuineness of every document purporting to be the *London Gazette*, or the *Gazette of India*, or the Government Gazette of any Local Government, or of any colony, dependency or possession of the British Crown, or to be a newspaper or journal, or to be copy of a private Act of Parliament printed by the Queen's Printer, and of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.

Explanation.—Documents are said to be in proper custody if they are in the place in which, and under the care of the person with whom, they would naturally be; but no custody is improper if it is proved to have had a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

82. When any document is produced to any Court purporting to be a document which, by the law in force for the time being in England or Ireland, would be admissible in proof of any particular in any Court of Justice in England or Ireland without proof of the seal or stamp or signature authenticating it, or of the judicial or official character claimed by the person by whom it purports to be signed, the Court shall presume that such seal, stamp or signature is genuine, and that the person signing it held, at the time when he signed it, the judicial or official character which he claims,

Presumption as to document admissible in England without proof of seal or signature.

and the document shall be admissible for the same purpose for which it would be admissible in England or Ireland.

83. The Court shall presume that maps or plans purporting to be made by the authority of Government were so made, and are accurate; but maps or plans made for the purposes of any cause must be proved to be accurate.

Proof of maps made for purposes of any cause.

84. The Court shall presume the genuineness of every book purporting to be printed or published under the authority of the Government of any country, and to contain any of the laws of that country,

Presumption as to collections of laws and reports of decisions.

and of every book purporting to contain reports of decisions of the Courts of such country.

85. The Court shall presume that every document purporting to be a power of attorney, and to have been executed before, and authenticated by a notary public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India, was so executed and authenticated.

Presumption as to powers of attorney.

86. The Court may presume that any document purporting to be a certified copy of any judicial record of any country not forming part of Her Majesty's dominions is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of Her Majesty or of the Government of India resident in such country to be the manner commonly in use in that country for the certification of copies of judicial records.

Presumption as to certified copies of foreign judicial records.

87. The Court may presume that any book to which it may refer for information on matters of public or general interest, and that any published map or chart, the statements of which are relevant facts and which is produced for its inspection, was written and published by the person, and at the time and place, by whom or at which it purports to have been written or published.

Presumption as to books and maps.

88. The Court may presume that a message, forwarded from a telegraph office to the person to whom such message purports to be addressed, corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

Presumption as to photographs, machine copies and telegraphic messages.

89. The Court shall presume that every document, called for and not produced after notice to produce, was attested, stamped and executed in the manner required by law.

Presumption as to due execution, &c., of documents not produced.

90. Where any document, purporting or proved to be thirty years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the signature and every other part of such document which purports to be in the handwriting of any particular person is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

Documents thirty years old.

Explanation.—Documents are said to be in proper custody if they are in the place in which, and under the care of the person with whom, they would naturally be; but

no custody is improper if it is proved to have had a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

This explanation applies also to section eighty-one.

Illustrations.

(*a.*) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land showing his titles to it. The custody is proper.

(*b.*) A produces deeds relating to landed property of which he is the mortgagee. The mortgagor is in possession. The custody is proper.

(*c.*) A, a connection of B, produces deeds relating to lands in B's possession, which were deposited with him by B for safe custody. The custody is proper.

But supposing all conditions fulfilled, the Court may still reject the document, and require proof of its genuineness. The words "the Court *may* presume" used in the above section leave it discretionary. So in the case of Bykunto Roy, 6 Suth. W. R., p. 82, the Court held that the rule of the English law of evidence, which dispenses with formal evidence of the execution of a document, thirty years old, does not apply to a case, in which it is not shown in whose custody the document had been kept, *and even then the Court could reject the document, if it thought it to be a fabrication.*—Fink, p. 59.

Chapter VI.—Of the Exclusion of Oral by Documentary Evidence.

Notes by Select Committee on Chapter VI.

We have re-drawn Chapter VI as to the exclusion of oral by documentary evidence, so as to make the sections more distinct and complete. We believe that they now present the English law on the subject freed from certain refinements which would not be suitable for this country.

Evidence of terms of written contract.

91. When the terms of a contract, or of a grant, or of any other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter, except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained.

Exception 1.—When a public officer is required by law to be appointed in writing, and when it is shown that any particular person has acted as such officer, the writing by which he is appointed need not be proved.

Exception 2.—Wills "admitted to probate in British India," XVIII, 181, may be proved by the Probate.

Explanation 1.—This section applies equally to cases in which the contracts, grants or disposition of property referred to are contained in one document, and to cases in which they are contained in more documents than one.

Explanation 2.—Where there are more originals than one, one original only need be proved.

Explanation 3.—The statement in any document whatever of a fact other than the facts referred to in this section shall not preclude the admission of oral evidence as to the same fact.

Illustrations.

(*a*) If a contract be contained in several letters, all the letters in which it is contained must be proved.

(*b.*) If a contract is contained in a bill of exchange, the bill of exchange must be proved.

(*c.*) If a bill of exchange is drawn in a set of three, one only need be proved.

(*d.*) A contracts in writing with B for the delivery of indigo upon certain terms. The contract mentions the fact that B had paid A the price of other indigo contracted for verbally on another occasion.

Oral evidence is offered that no payment was made for the other indigo. The evidence is admissible.

(*e.*) A gives B a receipt for money paid by B.

Oral evidence is offered of the payment.

The evidence is admissible.

Exclusion of evidence of oral agreement.

92. When the terms of any such contract, grant or other disposition of property, or any matter required by law to be reduced to the form of a document, have been proved according to the last section, no evidence of any oral agreement or statement shall be admitted as between the parties to any such instrument or their representatives in interest, for the purpose of contradicting, varying, adding to, or subtracting from, its terms:

Proviso (1).—Any fact may be proved which would invalidate any document, or which would entitle any person to any decree or order relating thereto; such as fraud, intimidation, illegality, want of due execution, want of capacity in any contracting party, want of failure of consideration, or mistake in fact or law.

Proviso (2).—The existence of any separate oral agreement as to any matter on which a document is silent and which is not inconsistent with its terms, may be proved. In considering whether or not this proviso applies, the Court shall have regard to the degree of formality of the document.

Proviso (3).—The existence of any separate oral agreement constituting a condition precedent to the attaching of any obligation under any such contract, grant or disposition of property, may be proved.

Proviso (4).—The existence of any distinct subsequent oral agreement to rescind or modify any such contract, grant or disposition of property, may be proved, except in cases in which such contract, grant or disposition of property is by law required to be in writing, or has been registered according to the law in force for the time being as to the registration of documents.

Proviso (5).—Any usage or custom by which incidents, not expressly mentioned in any contract, are usually annexed to contracts of that description, may be proved: Provided that the annexing of such incident would not be repugnant to, or inconsistent with, the express terms of the contract.

Proviso (6).—Any fact may be proved which shows in what manner the language of a document is related to existing facts.

Illustrations.

(*a.*) A policy of insurance is effected on goods "in ships from Calcutta to London." The goods are shipped in a particular ship which is lost. The fact that that particular ship was orally excepted from the policy, cannot be proved.

(*b.*) A agrees absolutely in writing to pay B Rs. 1,000 on the 1st March 1873. The fact that, at the same time, an oral agreement was made that the money should not be paid till the 31st March, cannot be proved.

(*c.*) An estate called 'the Rampore tea estate' is sold by a deed which contains a map of the property sold. The fact that land not included in the map had always been regarded as part of the estate and was meant to pass by the deed, cannot be proved.

(*d.*) A enters into a written contract with B to work certain mines, the property of B, upon certain terms. A was induced to do so by a misrepresentation of B's as to their value. This fact may be proved.

(*e.*) A institutes a suit against B for the specific performance of a contract, and also prays that the contract may be reformed as to one of its provisions, as that provision was inserted in it by mistake. A may prove that such a mistake was made as would by law entitle him to have the contract reformed.

(*f.*) A orders goods of B by a letter in which nothing is said as to the time of payment, and accepts the goods on delivery. B sues A for the price. A may show that the goods were supplied on credit for a term still unexpired.

(*g.*) A sells B a horse and verbally warrants him sound. A gives B a paper in these words: 'Bought of A a horse for Rs. 500.' B may prove the verbal warranty.

(*h.*) A hires lodgings of B, and gives B a card on which is written—'Rooms, Rs. 200 a month.' A may prove a verbal agreement that these terms were to include partial board.

A hires lodgings of B for a year, and a regularly stamped agreement drawn up by an attorney is made between them. It is silent on the subject of board. A may not prove that board was included in the terms verbally.

(*i.*) A applies to B for a debt due to A by sending a receipt for the money. B keeps the receipt and does not send the money. In a suit for the amount A may prove this.

(*j.*) A and B make a contract in writing to take effect upon the happening of a certain contingency. The writing is left with B, who sues A upon it. A may show the circumstances under which it was delivered.

Exclusion of evidence to explain or amend ambiguous document.

93. When the language used in a document is, on its face, ambiguous or defective, evidence may not be given of facts which would show its meaning or supply its defects.

Illustrations.

(*a.*) A agrees in writing to sell a horse to B for 'Rs. 1,000 or Rs. 1,500.' Evidence cannot be given to show which price was to be given.

(*b.*) A deed contains blanks. Evidence cannot be given of facts which would show how they were meant to be filled.

Exclusion of evidence against application of document to existing facts.

94. When language used in a document is plain in itself, and when it applies accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

Illustration.

A sells to B by deed 'my estate at Rampore containing 100 bígás.' A has an estate at Rampore containing 100 bígás. Evidence may not be given of the fact that the estate meant to be sold was one situated at a different place and of a different size.

Evidence as to document unmeaning in reference to existing facts.

95. When language used in a document is plain in itself, but is unmeaning in reference to existing facts, evidence may be given to show that it was used in a peculiar sense.

Illustration.

A sells to B by deed 'my house in Calcutta.'

A had no house in Calcutta, but it appears that he had a house at Howrah, of which B had been in possession since the execution of the deed.

These facts may be proved to show that the deed related to the house at Howrah.

Evidence as to application of language which can apply to one only of several persons.

96. When the facts are such that the language used might have been meant to apply to any one, and could not have been meant to apply to more than one, of several persons or things, evidence may be given of facts which show which of those persons or things it was intended to apply to.

Illustrations.

(*a.*) A agrees to sell to B for Rs. 1,000 "my white horse." A has two white horses. Evidence may be given of facts which show which of them was meant.

(*b.*) A agrees to accompany B to Hyderabad. Evidence may be given of facts showing whether Hyderabad in the Deccan or Hyderabad in Scind was meant.

Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.

97. When the language used applies partly to one set of existing facts, and partly to another set of existing facts, but the whole of it does not apply correctly to either, evidence may be given to show to which of the two it was meant to apply.

Illustration.

A agrees to sell to B 'my land at X' in the occupation of Y. A has land at X, but not in the occupation of Y, and he has land in the occupation of Y., but it is not at X. Evidence may be given of facts showing which he meant to sell.

Evidence as to meaning of illegible characters, &c.

98. Evidence may be given to show the meaning of illegible or not commonly intelligible characters of foreign, obsolete, technical, local, and provincial expressions, of abbreviations and of words used in a peculiar sense.

Illustration.

A, a sculptor, agrees to sell to B 'all my mods.' A has both models and modelling tools. Evidence may be given to show which he meant to sell.

Who may give evidence of agreement varying terms of document.

99. Persons who are not parties to a document, or their representatives in interest, may give evidence of any facts tending to show a contemporaneous agreement varying the terms of the document.

Illustration.

A and B make a contract in writing that B shall sell A certain cotton, to be paid for on delivery. At the same time they make an oral agreement that three months' credit shall be given to A. This could not be shown as between A and B, but it might be shown by C if it affected his interests.

Saving of provisions of Indian Succession Act relating to wills.

100. Nothing in this chapter contained shall be taken to affect any of the provisions of the Indian Succession Act (X of 1865) as to the construction of wills.

PART III.

Production and Effect of Evidence.

Chapter VII.—Of the Burden of Proof.

Notes by Select Committee on Chapter VII.

With regard to the burden of proof, we lay down the broad rules that the general burden of proof is on the party, who, if no evidence at all were given, would fail, and that the burden of proving any particular fact is on the party who affirms it. These are the well-established English rules, and appear to us reasonable in themselves. We have not followed the precedent of the New York Code in laying down a long list of presumptions, agreeing with the Indian Law Commissioners in the opinion that it is better not to fetter the discretion of the Judges. We have, however, admitted one or two such presumptions to a place in the Code, as, in the absence of an express rule, the Judges might feel embarrassed. These are the presumption of death from seven years' disappearance, and the presumption of partnership from the fact of acting as partners.

We may observe that we have disposed in an illustration of a matter in which the laws of several countries contain elaborate, and we think somewhat arbitrary provisions, the presumption to be made in the case of the death of several persons in a common catastrophe. We treat it as an instance of the rule, as to the burden of proof The person who affirms that A died before B must prove it. This is the principle adopted by the English Courts.

We follow the English law as to legitimacy being a necessary inference from marriage and cohabitation.

Exception was taken to the Bill in several quarters on the ground that it did not sufficiently dispose of the matter of presumptions. We have reconsidered this subject with attention, and have provided for it as follows:—

Some presumptions have the effect of laying the burden of proof on particular persons in particular cases. These we have dealt with in sections 108 to 111 of the new Bill.

A conclusive presumption is a direction by the law that the existence of one fact shall, in all cases, be inferred from proof of another. This we have provided for in sections 112 and 113.

We have substituted the term 'conclusive proof' in these instances for that of 'necessary inference,' which was employed for the same purpose in the first draft of the Bill.

Other presumptions are in substance mere maxims by which the Court ought to be guided in the interpretation of facts. Theoretically, they are regarded in English law in a different light, that is to say, as artificial rules which the Court is bound to follow as to the inferences to be drawn from facts. Practically, however, so many exceptions are made that the difference between a presumption of law and a presumption of fact is hardly traceable. The distinction appears to us altogether unsuitable for this country, and likely to produce great inconvenience if it were introduced. We have accordingly by section 114 put all such presumptions in the position of mere presumptions of fact with which the Court can deal at its discretion.

We have provided that a notification in the Gazette that a territory has been ceded to a native state shall be conclusive proof of a valid cession at the date mentioned in the notification. The object of this section is to set at rest questions which, as we are informed, have arisen on this subject.

Notes by Mr. Stephens on Presumptions.

The subject of presumptions is one of some degree of general interest. It was a favourite enterprise on the part of continental lawyers to try to frame systems as to the effect of presumptions which would spare Judges the trouble of judging of facts for themselves by the light of their own experience and common sense. A presumption was an artificial rule as to the value and

import of a particular proved fact. These presumptions were almost infinite in number and were arranged in a variety of ways. There were rebuttable presumptions, and persumptions which were irrebuttable. *Præsumptiones juris et de jure*, *Præsumptiones juris*, and *Præsumptiones facti*. There were also an infinite variety of rules for weighing evidence; so much in the way of presumption and so much evidence was full proof, a little less was half-full, and so on. Scraps of this theory have found their way into English law, where they produce a very incongruous and unfortunate effect, and give rise to a good deal of needless intricacy. Another use to which presumptions have been put is that of engrafting upon the Law of Evidence many subjects which in no way belong to it. For instance, there is said to be a conclusive presumption that every one knows the law, and this is regarded as necessary in order to vindicate the further proposition that no one is to be punished for breaking a law of which he was ignorant. To my mind this is simply expressing one truth in the shape of two falsehoods. The plain doctrine, that ignorance of the law is no excuse for breaking it, dispenses with the presumption, and hands the subject over from the Law of Evidence with which it is accidentally connected to criminal law to which it properly belongs.

Lastly, many subjects are treated by English writers under the head of presumptions which appear to us to belong rather to different branches of the substantive law, *e. g.*, the presumption that every one knows the law is in reality a branch of the substantive criminal law. We have omitted such presumptions as these from the Law of Evidence, because they do not belong to this subject and because many of them are fictitious.

Burden of proof.

101. Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist.

When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

Illustrations.

(*a.*) A desires a Court to give judgment that B shall be punished for a crime which A says B has committed.

A must prove that B has committed the crime.

(*b.*) A desires a Court to give judgment that he is entitled to certain land in the possession of B by reason of facts which he asserts and which B denies to be true.

A must prove the existence of those facts.

On whom burden of proof lies.

102. The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.

Illustrations.

(*a.*) A sues B for land of which B is in possession, and which, as A asserts, was left to A by the will of C, B's father.

If no evidence were given on either side, B would be entitled to retain his possession.

Therefore the burden of proof is on A.

(*b.*) A sues B for money due on a bond.

The execution of the bond is admitted, but B says that it was obtained by fraud, which A denies.

If no evidence were given on either side A would succeed, as the bond is not disputed and the fraud is not proved.

Therefore the burden of proof is on B.

Burden of proof as to particular fact.

103. The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.

Illustration.

(*a*) A prosecutes B for theft, and wishes the Court to believe that B admitted the theft to C. A must prove the admission.

B wishes the Court to believe that, at the time in question, he was elsewhere. He must prove it.

Burden of proving fact to be proved to make evidence admissible.

104. The burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact is on the person who wishes to give such evidence.

Illustrations.

(*a.*) A wishes to prove a dying declaration by B. A must prove B's death.
(*b.*) A wishes to prove, by secondary evidence, the contents of a lost document. A must prove that the document has been lost.

Burden of proving that case of accused comes within exceptions.

105. When a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within any of the general exceptions in the Indian Penal Code, or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.

Illustrations.

(*a.*) A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of the act.
The burden of proof is on A.
(*b.*) A, accused of murder, alleges that, by grave and sudden provocation, he was deprived of the power of self-control.
The burden of proof is on A.
(*c.*) Section 325 of the Penal Code provides that whoever, except in the case provided for by Section 335, voluntarily causes grievous hurt, shall be subject to certain punishments.
A is charged with voluntarily causing grievous hurt under Section 325.
The burden of proving the circumstances bringing the case under Section 335 lies on A.

Burden of proving fact especially within knowledge.

106. When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

Illustrations.

(*a.*) When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is upon him.
(*b.*) A is charged with travelling on a railway without a ticket. The burden of proving that he had a ticket is on him.

Burden of proving death of person known to have been alive within thirty years.

107. When the question is whether a man is alive or dead, and it is shown that he was alive within thirty years, the burden of proving that he is dead is on the person who affirms it.

Burden of proving that person is alive who has not been heard of for seven years.

108. Provided that when (XVIII, 1872) the question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is shifted to (XVIII, 1872) the person who affirms it.

Burden of proof as to partnership, tenancy and agency.

109. When the question is whether persons are partners, landlord and tenant, or principal and agent, and it has been shown that they have been acting as such, the burden of proving that they do not stand or have ceased to stand, to each other in those relationships respectively, is on the person who affirms it.

Burden of proof as to ownership.

110. When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.

Proof of good faith in transactions where one party is in relation of active confidence.

111. Where there is a question as to the good faith of a transaction between parties, one of whom stands to the other in a position of active confidence, the burden of proving the good faith of the transaction is on the party who is in a position of active confidence.

Illustrations.

(*a.*) The good faith of a sale by a client to an attorney is in question in a suit brought by the client. The burden of proving the good faith of the transaction is on the attorney.
(*b.*) The good faith of a sale by a son just come of age to a father is in question in a suit brought by the son. The burden of proving the good faith of the transaction is on the father.

Birth during marriage, conclusive proof of legitimacy.

112. The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days after its dissolution, the mother remaining unmarried, shall be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten.

Proof of cession of territory.

113. A notification in the *Gazette of India* that any portion of British territory has been ceded to any Native State, Prince or Ruler, shall be conclusive proof that a valid cession of such territory took place at the date mentioned in such notification.

Court may presume existence of certain facts.

114. The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business in their relation to the facts of the particular case.

Illustrations.

The Court may presume—

(*a*.) That a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession;

(*b*) That an accomplice is unworthy of credit, unless he is corroborated in material particulars (1);

(1) The effect of this provision, coupled with the general repealing clause at the beginning of the Bill, is to make it perfectly clear that Courts of Justice are to use their own common sense and experience in judging of the effect of particular facts, and that they are to be subject to no technical rules whatever on the subject. The illustrations given are, for the most part, cases of what in English law are called presumptions of law; artificial rules as to the effect of evidence by which the Court is bound to guide its decision, subject, however, to certain limitations which it is difficult neither to understand nor to apply, but which will be swept away by the section in question. I am not quite sure whether, in strictness of speech, the rule that an accomplice is unworthy of credit, unless he is confirmed, can be called a presumption of law, though, according to a very elaborate judgment of Sir Barnes Peacock's, it has, at all events, some of the most important characteristics of such a presumption. Be this how it may, the indefinite position in which it stands has been the cause of endless perplexity and frequent failures of justice. On the one hand, it is clear law that a conviction is not illegal because it proceeds on the uncorroborated evidence of an accomplice; on the other hand, it seems to be also law that, in cases tried by a jury, the Judge is bound by law to tell them that they ought not to convict on such evidence, though they can if they choose. How a Sessions Judge (sitting without a jury) is to give himself a direction to that effect, and how a High Court is to deal with a case in which he has convicted, although he told himself that he ought not to convict, I do not quite understand. At all events, it seems to me quite clear that he ought to be at liberty to use his discretion on the subject. Of course, the fact that a man is an accomplice forms a strong objection, in most cases, to his evidence; but every one, I think, must have met with instances in which it is practically impossible to doubt the truth of such evidence, although it may not be corroborated, or although the evidence by which it is corroborated is itself suspicious.

In the case in which the commission of a crime is sought to be proved against another on the evidence of an *accomplice*, there is no actual *rule of law* demanding *corroboration* to justify a conviction, juries, however, are rarely, if ever, instructed by the Judge to convict in its absence; so that *convention* has supplied what the *law* does not require.

After some doubt, it may now be said to be well settled that the corroboration must be in some circumstance that affects the identity of the party accused, *i. e.*, there must be corroborative proof of the person having actually participated in the offence. The law generally on the subject of the corroboration of the evidence of an accomplice is thus stated by Lord Abinger, C.B.—"It is a practice which deserves all the reverence of law that Judges have uniformly told juries that they ought not to pay any respect to the testimony of an accomplice, unless the accomplice is corroborated in some material circumstance. Now, in my opinion, that corroboration ought to consist in some circumstance that affects the identity of the party accused. A man who has been guilty of a crime himself will always be able to relate the facts of the case; and if the confirmation be only the truth of that history, without identifying the persons, that is really no corroboration at all.

If a man was to break open a house, and put a knife to your throat, and steal your property, it would be corroboration that he had stated the facts correctly, that he had described how the person did put a knife to the throat and did steal the property. It would not at all tend to show that the party accused participated in it. Here you find that the prisoner and the accomplice are

seen together at the house of the landlord. Now look at his evidence. If they were seen together under circumstances that were extraordinary, and where the prisoner was not likely to be, unless there were concert, it would be something. But he lives within one hundred and fifty yards, and there is nothing extraordinary in his being there; and he left when they were shutting up the house. Therefore it is perfectly natural that he should have been there, and left when he died. The single circumstance is that the prisoner was seen in a house which he frequents, where he may be seen once or twice a week, and there the case ends against him. All the rest depends on the evidence of the accomplice. The danger is that, when a man is fixed, and knows that his own guilt is detected, he purchases impunity by falsely accusing others. I would suggest to you that the circumstances are too slight to justify you in acting on this evidence (*Goodeve*, *p.* 307).

(*c.*) That a bill of exchange, accepted or endorsed, was accepted or endorsed, for good consideration;

(*d.*) That a thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in existence;

(*e.*) That judicial and official acts have been regularly performed;

(*f.*) That the common course of business has been followed in particular cases;

(*g.*) That evidence which could be and is not produced would, if produced, be unfavourable to the person who withholds it;

(*h.*) That if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavourable to him;

(*i.*) That when a document creating an obligation is in the hands of the obligor, the obligation has been discharged.

But the Court shall also have regard to such facts as the following, in considering whether such maxims do or do not apply to the particular case before them:—

As to illustration (*a*)—A shop-keeper has in his till a marked rupee soon after it was stolen, and cannot account of its possession specifically, but is continually receiving rupees in the course of his business:

As to illustration (*b*)—A, a person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery. B, a person of equally good character who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself:

As to illustration (*b*)—A crime is committed by several persons. A, B and C, three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable:

As to illustration (*c*)—A, the drawer of a bill of exchange, was a man of business. B, the acceptor, was a young and ignorant person, completely under A's influence:

As to illustration (*d*)—It is proved that a river ran in a certain course five years ago, but it is known that there have been floods since that time which might change its course:

As to illustration (*e*)—A judicial act, the regularity of which is in question, was performed under exceptional circumstances:

As to illustration (*f*)—The question is, whether a letter was received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances:

As to illustration (*g*)—A man refuses to produce a document which would bear on a contract of small importance on which he is sued, but which might also injure the feelings and reputation of his family:

As to illustration (*h*)—A man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause loss to him in matters unconnected with the matter in relation to which it is asked:

As to illustration (*i*)—A bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it.

CHAPTER VIII.—ESTOPPEL.

We adopt one or two of the rules of English law as to estoppel.

Estoppel.

115. When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceeding between himself and such person or his representative to deny the truth of that thing.

Illustration.

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

Estoppel of tenant.

116. No tenant of immoveable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immoveable property, and no person who came upon any immoveable property by the license of the person in possession thereof, shall be permitted to deny that such person had a title to such possession at the time when such license was given.

Estoppel of acceptor of bill of exchange, bailee or licensee.

117. No acceptor of a bill of exchange shall be permitted to deny that the drawer had authority to draw such bill or to endorse it, nor shall any bailee or licensee be permitted to deny that his bailor or licensor had, at the time when the bailment or license commenced, authority to make such bailment or grant such license.

Explanation (1).—The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.

Explanation (2).—If a bailee delivers the goods bailed to a person other than the bailor, he may prove that such persons had a right to them as against the bailor.

CHAPTER IX.—OF WITNESSES.

Who may testify.

118. All persons shall be competent to testify, unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years (1), extreme old age, disease, whether of body or mind, or any other cause of the same kind (2).

Stephens on Incompetency of Children.

(1) "A child will have been taught to say that, if it tells a lie, it 'will go to the bad place when it dies' (which is usually taken to show that it knows the meaning of an oath), long before it has any real notion of the practical importance of its evidence in a temporal point of view: and also long before it has learnt to distinguish between its memory and its imagination, or to understand in the least degree what is meant by accuracy of expression. It is hardly possible to cross-examine a child. The test is too rough for an immature mind. However gently the questions may be put, the witness grows confused and frightened, partly by the tax on its memory, partly by the strangeness of the scene, and the result is that its evidence goes to the jury practically unchecked, and has usually greater weight than it deserves, for the sympathies of the jury are always with it. This is a considerable evil, for in infancy the strength of the imagination is out of all proportion to the power of the other faculties; and children constantly say what is not true, not from deceitfulness, but simply because they have come to think so, by talking or dreaming over what has passed. The evil, however, is one which the law cannot remedy. It would be a far greater evil to make children incompetent witnesses up to a certain age. The only remedy is that Judges should insist to juries more strongly than they generally do on the unsatisfactory nature of the evidence of children, and on the danger of being led by sympathy to trust in it."—*Stephens.*

(2) The Indian law looks to the capacity of person to apprehend facts and narrate them truly rather than to their subjection to any moral sanction.

Norton on such Evidence.

There is a proverb that fools and children speak the truth; * * * Hindu children of very tender years are remarkably intelligent and veracious witnesses; and perhaps on the whole, the most satisfactory class of native witnesses presented to our Courts of Justice.

Explanation.—A lunatic is not incompetent to testify unless he is prevented by his lunacy from understanding the questions put to him and giving rational answers to them.

Dumb witnesses.

119. A witness who is unable to speak may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open Court. Evidence so given shall be deemed to be oral evidence.

Married persons in Civil and Criminal Proceedings.

120. In all civil proceedings the parties to the suit, and the husband or wife of any party to the suit shall be competent witnesses. In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness.

Judges and Magistrates.

121. No Judge or Magistrate shall, except upon the special order of some Court to which he is subordinate, be compelled to answer any questions as to his own conduct in Court as such Judge or Magistrate, or as to anything which came to his knowledge in Court as such Judge or Magistrate; but he may be examined as to other matters which occurred in his presence whilst he was so acting.

Illustrations.

(*a.*) A, on his trial before the Court of Session, says that a deposition was improperly taken by B, the Magistrate. B cannot be compelled to answer questions as to this, except upon the special order of a Superior Court.

(*b.*) A is accused before the Court of Session of having given false evidence before B, a Magistrate. B cannot be asked what A said, except upon the special order of the Superior Court.

(*c.*) A is accused before the Court of Session of attempting to murder a Police officer whilst on his trial before B, a Sessions Judge. B may be examined as to what occurred.

Communications during marriage.

122. No person who is or has been married shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married; nor shall he be permitted to disclose any such communication, unless the person who made it, or his representative in interest, consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other.

Evidence as to affairs of State.

123. No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

Official communications.

124. No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.

Information as to commission of offences

125. No Magistrate or police officer shall be compelled to say whence he got any information as to the commission of any offence.

Professional communications.

126. No barrister, attorney, pleader or vakíl, shall at any time be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such barrister, pleader, attorney or vakíl by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course and for the purpose of such employment (1):

(1.) The witness must be the professional adviser employed in the actual matter, the subject of the communications,—that is as the responsible legal adviser or actor in it: not a lawyer, merely casually consulted or asked about it as a friend or even confidentially consulted, when another is the acting counsel or attorney—*Wilson* v. *Rastall*, Term Reports IV, 750.

Provided that nothing in this section shall protect from disclosure—

(1) Any such communication made in furtherance of any illegal (XVIII, 1872) purpose;

(2) Any fact observed by any barrister, pleader, attorney or vakíl in the course of his employment as such, showing that any crime or fraud has been committed since the commencement of his employment.

It is immaterial whether the attention of such barrister, pleader (XVIII, 1872) attorney or vakíl was or was not directed to such fact by or on behalf of his client.

Explanation.—The obligation stated in this section continues after the employment has ceased (2)

(2) The communication must be one having a bearing on the subject on which the professional adviser was being consulted, not unnecessary to it, or a mere gratuitous piece of information—*Goodeve*, *p.* 161.

Illustrations.

(*a.*) A, a client, says to B, an attorney,—'I have committed forgery, and I wish you to defend me.'

As the defence of a man known to be guilty is not a criminal purpose, this communication is protected from disclosure.

(*b.*) A, a client, says to B, an attorney,—'I wish to obtain possession of property by the use of a forged deed on which I request you to sue.'

This communication, being made in furtherance of a criminal purpose, is not protected from disclosure.

(*c.*) A, being charged with embezzlement, retains B, an attorney, to defend him. In the course of the proceedings, B observes that an entry has been made in A's account-book charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of his employment.

This being a fact observed by B in the course of his employment, showing that a fraud has been committed since the commencement of the proceedings, it is not protected from disclosure.

Section 126, to apply to interpreters, &c.

127. The provisions of section one hundred and twenty-six shall apply to interpreters, and the clerks or servants of barristers, pleaders, attorneys, and vakíls (1).

(1) But not to mukhtárs.

Privilege not waived by volunteering evidence.

128. If any party to a suit gives evidence therein at his own instance or otherwise, he shall not be deemed to have consented thereby to such disclosure as is mentioned in section one hundred and twenty-six; and if any party to a suit or proceeding calls any such barrister, pleader (XVIII, 1872) attorney or vakíl as a witness, he shall be deemed to have consented to such disclosure only if he questions such barrister, attorney or vakíl on matters which, but for such question, he would not be at liberty to disclose.

Confidential communication with legal advisers.

129. No one shall be compelled(1) to disclose to the Court any confidential communication which has taken place between him and his legal professional adviser, unless he offers himself as a witness, in which case he may be compelled to disclose any such communications as may appear to the Court necessary to be known in order to explain any evidence which he has given, but no others.

(1) But he may do so voluntarily: he can, however, stop before concluding and claim the privilege, and then cannot be made to say any more.

Production of witness' title-deeds.

130. No witness who is not a party to a suit shall be compelled to produce his title-deeds to any property, or any document in virtue of which he holds any property as pledgee or mortgagee, or any document the production of which might tend to criminate him, unless he has agreed in writing to produce them with the person seeking the production of such deeds or some person through whom he claims.

Production of documents which another person, having possession, would be entitled to refuse to produce.

131. No one shall be compelled to produce documents in his possession, which any other person would be entitled to refuse to produce if they were in his possession, unless such last-mentioned person consents to their production.

Witness not excused from answering on ground that answer will criminate.

132. A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding, upon the ground that the answer to such question will criminate, or may tend, directly or indirectly, to criminate such witness, or that it will expose, or tend, directly or indirectly, to expose such witness to a penalty or forfeiture of any kind:

Proviso.

Provided that no such answer, which a witness shall be compelled to give, shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

Accomplice.

133. An accomplice shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice (1).

(1) See Secs. 114, 156.

Number of witnesses.

134. No particular number of witnesses shall in any case be required for the proof of any fact.

Notes by Select Committee on Chapter X.

IV.—The Production of Proof.

In the chapter as to the examination of witnesses, we have been careful to interfere as little as possible with the existing practice of the Courts, which in the Mofussil Courts and under the Code of Civil Procedure is of necessity very loose and much guided by circumstances, but we have put into propositions the rules of English law as to the examination and cross-examination of witnesses.

We have also considered it necessary, having regard to the peculiar circumstances of this country, to put into the hands of the Judge an amount of discretion as to the admission of evidence which, if it exists by law, is at all events rarely or never exercised in England. We expressly empower him to ask any questions upon any facts relevant or irrelevant, at any period of the trial, and we expressly declare that it is his duty in criminal cases, if he thinks that the public interest requires it, not merely to receive and adjudicate upon the evidence submitted to him by the parties, but also "to enquire to the utmost into the truth of the matter before him." The object of these provisions is to define simply and clearly the duties and the position of the Judges and those who practise before them. The English system, under which the Bench and the Bar act together and play their respective parts independently, and the professional organization on which it rests, have no doubt great advantages; but in this country such a system does not as yet exist, and will not for a very long course of time be introduced. In the Mofussil, generally speaking, the great mass of cases are conducted without the assistance of a Bar, and when advocates are employed there, they are usually brought from a distance, and have to appear before Judges who have not had the same professional training as English Judges, and are liable to be intimidated by advocates whose technical knowledge of law is greater than their own, and to whom the extremely intricate system of appeal which prevails in this country gives a power over the Judges unlike anything which exists in England. For this reason we have thought it necessary to strengthen the hands of the Judges and to enable them to act efficiently and promptly as the representatives of the public interest.

In connection with this subject, we may refer to some provisions which we have inserted in order to prevent the abuse of the power of cross-examination to credit. We believe the existence of that power to be essential to the administration of justice, and we believe it to be liable to great abuses. The need for the power and the danger of its abuse are proved by English experience, but in this country litigation of various kinds, and criminal prosecutions in particular, are the great engines of malignity, and it is accordingly even more necessary here than in England both to permit the exposure of corrupt motives and to prevent the use of the power of cross-examination to credit. We have accordingly provided as follows:—

Such questions may relate either to matters relevant to the case, or to matters not relevant to the case. If they relate to matters relevant to the case, we think that the witness ought to be compellable to answer, but that his answer should not afterwards be used against him.

If they relate to matters not relevant to the case, except in so far as they affect the credit of the witness, we think that the witness ought not to be compelled to answer. His refusal to do so would, in most cases, serve the purpose of discrediting him, as well as an express admission that the imputation conveyed by the question was true.

We have empowered the Court, in general terms, to forbid indecent and scandalous inquiries, unless they relate to facts in issue (as defined above), or to matter absolutely necessary to be known in order to determine whether the facts in issue existed; and also to forbid questions intended to insult or annoy.

We prefer this general power to the section drawn by the Commissioners, which forbid questions to married persons which substantially amount to inquiring whether that person has had sexual intercourse forbidden to him or her by the law to which he or she is subject, "and questions regarding the occurrence of sexual intercourse between a husband and wife except in the case of Christians, where the suit is for a decree of nullity of marriage on the ground of "bodily incapacity." We should regard these rules as dangerous. It is possible to imagine numerous cases in which it might be highly important to show that a married person was living with some one who was not her husband or his wife. A woman brings a false accusation against her servant. The motive is revenge for the discovery by the servant of an intrigue by the mistress. A married man comes to prove an *alibi* on behalf of his mistress. A woman sues a married man on a bond. He pleads that the consideration was adultery. In all these cases,

and so in many others which might be suggested, it appears to us that it would be absolutely necessary to admit such evidence as is referred to. As to questions relating to sexual intercourse between husband and wife, we think it better to forbid indecent and scandalous inquiries in general terms, than to lay down a positive rule which, in possible cases, might produce hardship.

8. The chapter on oaths has been omitted, as they form the subject of a separate Bill now under discussion.

9. We also recommend provisions showing the principles by which the asking of questions to credit should be regulated, and empowering the Court, if any such question is improperly asked, to report the circumstance to the authority to which the person asking it is subject.

Chapter X.—Of the Examination of Witnesses.

Order of production and examination of witnesses.

135. The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to Civil and Criminal Procedure respectively, and, in the absence of such law, by the discretion of the Court.

Judge to decide as to admissibility of evidence.

136. When either party proposes to give evidence of any fact, the Judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant; and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant and not otherwise.

If the fact proposed to be proved is one of which evidence is admissible only upon proof of some other fact, such last-mentioned fact must be proved before evidence is given of the fact first mentioned, unless the party undertake to give proof of such fact and the Court is satisfied with such undertaking.

If the relevancy of one alleged fact depends upon another alleged fact being first proved, the Judge may in his discretion either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first fact.

Illustrations.

(*a.*) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under section thirty-two.

The fact that the person is dead must be proved by the person proposing to prove the statement before evidence is given of the statement.

(*b.*) It is proposed to prove by a copy the contents of a document said to be lost.

The fact that the original is lost must be proved by the person proposing to produce the copy before the copy is produced.

(*c.*) A is accused of receiving stolen property knowing it to have been stolen.

It is proposed to prove that he denied the possession of the property.

The relevancy of the denial depends on the identity of the property. The Court may in its discretion either require the property to be identified before the denial of the possession is proved, or permit the denial of the possession to be proved before the property is identified.

(*d.*) It is proposed to prove a fact (A) which is said to have been the cause or effect of a fact in issue. There are several intermediate facts (B, C and D) which must be shown to exist before the fact A can be regarded as the cause or effect of the fact in issue. The Court may either permit A to be proved before B, C or D is proved, or may require proof of B, C and D before permitting proof of A.

Examination-in-chief.

137. The examined of a witness by the party who calls him shall be called his examination-in-chief.

Cross-examination.

The examination of a witness by the adverse party shall be called his cross-examination.

Re-examination.

The examination of a witness, subsequent to the cross-examination by the party who called him, shall be called his re-examination (1).

(1) See notes to Ss. 191, 192, C. P. C., pp. 162, 163.

Order of examinations. Direction of re-examination

138. Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.

The examination and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

The re-examination shall be directed to the explanation of matters referred to in cross-examination; and if new matter is, by permission of the Court, introduced in re-examination, the adverse party may further cross-examine upon that matter.

Cross-examination of person called to produce a document.

139. A person summoned to produce a document does not become a witness by the mere fact that he produces it, and cannot be cross-examined unless and until he is called as a witness.

Witnesses to character.

140. Witnesses to character may be cross-examined and re-examined.

Leading question.

141. Any question suggesting the answer which the person putting it wishes or expects to receive, is called a leading question.

When they must not be asked.

142. Leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief, or in a re-examination, except with the permission of the Court.

The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.

When they may be asked.

143. Leading questions may be asked in cross-examination.

Evidence as to matters in writing.

144. Any witness may be asked, whilst under examination, whether any contract, grant or other disposition of property, as to which he is giving evidence, was not contained in a document, and if he says that it was, or if he is about to make any statement as to the contents of any document, which, in the opinion of the Court, ought to be produced, the adverse party may object to such evidence being given until such document is produced, or until facts have been proved which entitled the party who called the witness to give secondary evidence of it.

Explanation.—A witness may give oral evidence of statements made by other persons about the contents of documents if such statements are in themselves relevant facts.

Illustration.

The question is, whether A assaulted B.

C deposes that he heard A say to D—"B wrote a letter accusing me of theft, and I will be revenged on him." This statement is relevant, as showing A's motive for the assault, and evidence may be given of it, though no other evidence is given about the letter.

Cross-examination as to previous statements in writing.

145. A witness may be cross-examined as to previous statements made by him in writing or reduced into writing and relevant to matters in question without such writing, being shown to him, or being proved; but if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

Questions lawful in cross-examination.

146. When a witness is cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which tend—

(1) to test his veracity;

(2) to discover who he is and what is his position in life; or

(3) to shake his credit, by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him, or might expose or tend directly or indirectly to expose him to a penalty or forfeiture.

When witness to be compelled to answer.

147. If any such question relates to a matter relevant to the suit or proceeding, the provisions of Section 132 shall apply thereto.

Court to decide when question shall be asked and when witness compelled to answer.

148. If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it effects the credit of the witness by injuring his character (1), the Court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations:—

(1). Such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(2). Such questions are improper if the imputation which they convey relates to matters so remote in time, or of such a character, that the truth of the imputation would not affect, or would affect in a slight degree, the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(3). Such questions are improper if there is a great disproportion between the importance of the imputation made against the witness's character and the importance of his evidence.

(4). The Court may, if it sees fit, draw, from the witnesses' refusal to answer, the inference that the answer if given would be unfavourable.

(1) In none of the cases of discrediting, either by evidence of misconduct or by contradiction of his testimony, is the witness allowed to be *taken by surprise* in the proof. Before this can be given, a foundation must be laid by the interrogation of the witness himself as to the facts relied on to constitute the ground of discredit, and by the witness's denial—*Goodeve, p.* 251. See also n. to S. 129.

Question not to be asked without reasonable grounds.

149. No such question as is referred to in section one hundred and forty-eight ought to be asked, unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well-founded.

Illustrations.

(*a.*) A barrister is instructed by an attorney or vakíl that an important witness is a dacoit. This is a reasonable ground for asking the witness whether he is a dacoit.

(*b.*) A pleader is informed by a person in Court that an important witness is a dacoit. The informant on being questioned by the pleader gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a dacoit.

(*c.*) A witness, of whom nothing whatever is known, is asked at random whether he is a dacoit. There are here no reasonable grounds for the question.

(*d.*) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living, gives unsatisfactory answers. This may be a reasonable ground for asking him if he is a dacoit.

Procedure of Court in case of question being asked without reasonable grounds.

150. If the Court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any barrister, pleader, vakíl or attorney, report the circumstances of the case to the High Court or other authority to which such barrister, pleader, vakíl or attorney is subject in the exercise of his profession.

Indecent and scandalous questions.

151. The Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court, unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.

Questions intended to insult or annoy.

152. The Court shall forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the Court needlessly offensive in form.

"The object of these sections is to lay down, in the most distinct manner, the duty of counsel of all grades in examining witnesses with a view to shaking their credit by damaging their character. I trust that this explicit statement of the principles according to which such questions ought or ought not to be asked, will be found sufficient to prevent the growth, in this

country, of that which in England has on many occasions, been a grave scandal. I think that the sections, as far as their substance is concerned, speak for themselves, and that they will be admitted to be sound by all honourable advocates and by the public."

Exclusion of evidence to contradict answers to questions testing veracity.

153. When a witness has been asked and has answered any question which is relevant to the inquiry only in so far as it tends to shake his credit by injuring his character, no evidence shall be given to contradict him; but if he answers falsely, he may afterwards be charged with giving false evidence.

Exception 1.—If a witness is asked whether he has been previously convicted of any crime and denies it, evidence may be given of his previous conviction.

Exception 2.—If a witness is asked any question tending to impeach his impartiality and answers it by denying the facts suggested, he may be contradicted.

Illustrations.

(*a.*) A claim against an underwriter is resisted on the ground of fraud.

The claimant is asked whether, in a former transaction, he had not made a fraudulent claim. He denies it.

Evidence is offered to show that he did make such a claim.

The evidence is inadmissible.

(*b.*) A witness is asked whether he was not dismissed from a situation for dishonesty. He denies it.

Evidence is offered to show that he was dismissed for dishonesty.

The evidence is not admissible.

(*c.*) A affirms that on a certain day he saw B at Lahore.

A is asked whether he himself was not on that day at Calcutta. He denies it.

Evidence is offered to show that A was on that day at Calcutta.

The evidence is admissible, not as contradicting A on a fact which affects his credit, but as contradicting the alleged fact that B was seen on the day in question in Lahore.

In each of these cases the witness might, if his denial was false, be charged with giving false evidence.

(*d.*) A is asked whether his family has not had a blood feud with the family of B against whom he gives evidence.

He denies it. He may be contradicted on the ground that the question tends to impeach his impartiality.

Question by party to his own witness.

154 The Court may in its discretion permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.

Impeaching credit of witness.

155. The credit of a witness may be impeached in the following ways by the adverse party, or, with the consent of the Court, by the party who calls him:—

(1.) By the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit;

(2.) By proof that the witness has been bribed or has accepted (XVIII, 1872,) the offer of a bribe, or has received any other corrupt inducement to give his evidence;

(3.) By proof of former statements inconsistent with any part of his evidence which is liable to be contradicted;

(4.) When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.

Explanation.—A witness declaring another witness to be unworthy of credit may not, upon his examination-in-chief, give reasons for his belief, but he may be asked his reasons in cross-examination, and the answers which he gives cannot be contradicted, though, if they are false, he may afterwards be charged with giving false evidence.

Illustrations.

(*a.*) A sues B for the price of goods sold and delivered to B. C says that he delivered the goods to B.

Evidence is offered to show that, on a previous occasion, he said that he had not delivered the goods to B.

The evidence is admissible.

(*b.*) A is indicted for the murder of B.

C says that B, when dying, declared that A had given B the wound of which he died.

Evidence is offered to show that, on a previous occasion, C said that the wound was not given by A or in his presence.

The evidence is admissible.

Questions tending to corroborate evidence of relevant fact, admissible.

156. When a witness whom it is intended to corroborate gives evidence of any relevant fact, he may be questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred, if the Court is of opinion that such circumstances, if proved, would corroborate the testimony of the witness as to the relevant fact which he testifies.

Illustration.

A, an accomplice, gives an account of a robbery in which he took part. He describes various incidents unconnected with the robbery which occurred on his way to and from the place where it was committed.

Independent evidence of these facts may be given in order to corroborate his evidence as to the robbery itself.

Former statements of witness may be proved to corroborate later testimony as to same fact.

157. In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact, at or about the time when the fact took place, or before any authority legally competent to investigate the fact, may be proved.

What matters may be proved in connection with proved statement relevant under Section 32 or 33.

158. Whenever any statement, relevant under section thirty-two or thirty-three, is proved, all matters may be proved, either in order to contradict or to corroborate it, or in order to impeach or confirm the credit of the person by whom it was made, which might have been proved if that person had been called as a witness and had denied upon cross-examination the truth of the matter suggested.

Refreshing memory.

159. A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transaction concerning which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.

The witness may also refer to any such writing made by any other person, and read by the witness within the time aforesaid, if when he read it he knew it to be correct.

When witness may use copy of document to refresh memory.

Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document: Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

An expert may refresh his memory by reference to professional treaties.

Testimony to facts stated in document mentioned in section 159.

160. A witness may also testify to facts mentioned in any such document as is mentioned in section one hundred and fifty-nine, although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document.

Illustration.

A book-keeper may testify to facts recorded by him in books regularly kept in the course of business, if he knows that the books were correctly kept, although he has forgotten the particular transactions entered.

Right of adverse party as to writing used to refresh memory.

161. Any writing referred to under the provisions of the two last preceding sections must be produced and shown to the adverse party if he requires it; such party may, if he pleases, cross-examine the witness thereupon.

Production of documents.

162. A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

The Court, if it sees fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

Translation of documents.

If for such a purpose it is necessary to cause any document to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence: and if the interpreter disobeys such direction, he shall be held to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

Giving as evidence of document called for and produced on notice.

163. When a party calls for a document which he has given the other party notice to produce, and such document is produced and inspected by the party calling for its production he is bound to give it as evidence if the party producing it requires him to do so.

Giving as evidence of document production of which was refused on notice.

164. When a party refuses to produce a document which he has had notice to produce, he cannot afterwards use the document as evidence without the consent of the other party or the order of the Court.

Illustration.

A sues B on an agreement and gives B notice to produce it. At the trial, A calls for the document and B refuses to produce it. A gives secondary evidence of its contents. B seeks to produce the document itself to contradict the secondary evidence given by A, or in order to show that the agreement is not stamped. He cannot do so.

Judge's power to put questions or order production.

165. The Judge may, in order to discover or to obtain proper proof of relevant facts, ask any question he pleases, in any form, at any time, of any witness, or of the parties, about any fact relevant or irrelevant; and may order the production of any document or thing: and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question:

Provided that the judgment must be based upon facts declared by this Act to be relevant, and duly proved.

Provided also that this section shall not authorise any Judge to compel any witness to answer any question, or to produce any document which such witness would be entitled to refuse to answer or produce under sections one hundred and twenty-one to one hundred and thirty-one both inclusive, if the question were asked or the document were called for by the adverse party; nor shall the Judge ask any question which it would be improper for any other person to ask under sections one hundred and forty-eight or one hundred and forty-nine; nor shall he dispense with primary evidence of any document, except in the cases hereinbefore excepted.

Passing over certain matters which are explained at length in the Bill and report, I come to two matters to which the Committee attach the greatest importance as having peculiar reference to the administration of justice in India. The first of these rules refers to the part taken by the Judge in the examination of witnesses; the second to the effect of the improper admission or rejection of evidence upon the proceedings in case of appeal.

That part of the law of evidence which relates to the manner in which witnesses are to be examined assumes the existence of a well-educated Bar, co-operating with the Judge and relieving him practically of every other duty than that of deciding questions which may arise between them. I need hardly say that this state of things does not exist in India, and that it would be a great mistake to legislate as if it did. In a great number of cases—probably the vast numerical majority—the Judge has to conduct the whole trial himself. In all cases he has to represent the interests of the public much more distinctly than he does in England. In many cases he has to get at the truth, or as near to it as he can, by the aid of collateral inquiries, which may incidentally tend to something relevant; and it is most unlikely that he should ever wish to push

an inquiry needlessly, or to go into matters not really connected with it. We have accordingly thought it right to arm Judges with a general power to ask any questions, upon any facts, of any witnesses, at any stage of the proceedings, irrespectively of the rules of evidence binding on the parties and their agents, and we have inserted in the Bill a distinct declaration that it is the duty of the Judge, especially in criminal cases, not merely to listen to the evidence put before him, but to inquire to the utmost into the truth of the matter. We do not think that the English theories, that the public have no interest in arriving at the truth, and that even criminal proceedings ought to be regarded mainly in the light of private questions between the prosecutor and the prisoner, are at all suited to India, if, indeed, they are the result of anything better than carelessness and apathy in England.

The intention of this section is to give a Judge the fullest possible power of inquiry for the discovery of relevant matter, not to authorize him to found his judgment upon irrelevant matter such as loose rumours.

Power of jury or assessors to put questions.

166. In cases tried by jury or with assessors, the jury or assessors may put any questions to the witnesses, through or by leave of the Judge, which the Judge himself might put and which he considers proper.

Chapter XI.—Of Improper Admission and Rejection of Evidence.

No new trial for rejection or improper admission of evidence.

167. The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case, if it shall appear to the Court, before which such objection is raised, that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision, or that, if the rejected evidence had been received, it ought not to have varied the decision.

Mr. Stephen's Remarks on the Evidence Bill.

[In order that the student may not lose the benefits of Mr. Stephen's most valuable speeches on the above Bill, those parts of it which have not been incorporated in the Act are reproduced here.]

Speech of the Hon'ble J. FitzJames Stephen, Q.C., on the introduction of the Bill into Council on the 31st March 1871.

I suppose that I may assume as generally admitted the necessity which exists for legislation on the subject of evidence in British India. It would be exceedingly difficult to say precisely what, at the present moment, the law upon the subject certainly is. To some extent—it is far from being clear to what extent—and in some parts of the country—though questions might be raised as to the particular parts of the country—the English Law of Evidence appears to be in force in British India. Whatever may be the theory, it both is and will continue to be so in practice; for if the English Law of Evidence has not been introduced into this country, English lawyers and *quasi*-lawyers have, and they have been directed to decide according to the law of justice, equity, and good conscience. Practically speaking, these attractive words mean little more than an imperfect understanding of imperfect collections of not very recent editions of English text-books. It is difficult to imagine anything much less satisfactory than such a state of the law as this. A good deal may be said for an elaborate legal system, well understood and strictly administered. A good deal may be said for unaided motherwit and natural shrewdness; but a half-and-half system, in which a vast body of half-understood law, totally destitute of arrangement and of uncertain authority, maintains a dead-alive existence, is a state of things which it is by no means easy to praise.

Legislation thus being necessary, in what direction is legislation to proceed? A gentleman, for whose opinion upon all subjects connected with Indian law and legislation I, in common with most other people, have a profound respect, said to me the other day in discussing this subject: "My Evidence Bill would be a very short one. It would consist of one rule to this effect—All rules of evidence are hereby abolished." I believe that the opinion thus vigorously expressed is really held by a large number of persons who would not avow it so plainly. There is, in short, in the lay world, including in the expression the majority of Indian civilians, an impression that rules of evidence are technicalities invented by lawyers principally for what Bentham called fee-gathering purposes, and of no real value in the investigation of truth. I cannot admit that this impression is in any degree correct. I believe that rules of evidence are of very great value in all inquiries into matters of fact, and in particular in inquiries for judicial purposes; and that it is practically impossible to investigate difficult subjects without regard to them.

It is worth while to illustrate this point a little, because the necessity for rules of evidence rests upon it; but strong proof of it is to be found in the fact that in all ages and countries there have been rules of evidence. In rude times and amongst primitive people, the task of arriving

at the truth as to matters of fact was regarded as so hopeless and difficult, that rude arbitrary substitutes for any sort of rational procedure were provided in the shape of ordeals and judicial combats. Where people began to obtain glimpses of the true methods of investigation, they seem to have considered as almost supernatural skill what in our days would fall within the scope of average police officers or attorneys' clerks. The delighted wonder which was displayed by the Jews, according to the apocryphal story of Susannah and the Elders, at what a legal friend of mine used to call 'that very feeble cross-examination of Daniel's about the trees,' is a good instance of this. At a later period, arbitrary rules of evidence began to be formed. Such a fact must be proved by two eye-witnesses; such another by four; such another by seven. To say nothing of European systems, in which such rules were in force, the Hedáya is full of them. These rules were never introduced in their full force into England, but the system which was adopted, or rather which grew up by degrees, was of a very mixed and exceedingly singular character. Part of it consisted of rules declaring large classes of witnesses to be incompetent. Part was intimately connected with the English system of special pleading, which was so contrived as to define with extreme precision the facts upon which the parties differed, or were, as the phrase goes, at issue. Part were the result of the practical experience of the Courts, and these were by far the most valuable portion, in my opinion, of the English Law of Evidence. Most of the other rules have, indeed, been cut away by legislation, and the rules which still remain may fairly be taken to be the nett result of English judicial experience in modern times. In the most general terms, these rules are—

(1) that evidence must be confined to the issue;
(2) that hearsay is no evidence;
(3) that the best evidence must be given;
(4) rules as to confessions and admissions;
(5) rules as to documentary evidence.

I have two general remarks to make upon them.

The first is that they are sound in substance and eminently useful in practice; and that, when properly understood, they are calculated to afford invaluable assistance to all who have to take part in the administration of justice.

The second is that I believe that no body of rules upon any important subject were ever expressed so loosely, in such an intricate manner, or at such intolerable length.

It is necessary to prove the first of these propositions, in order to justify the recommendation of the Committee that the substance of the rules in question should be introduced in the form of express law into this country. It is necessary to prove the second proposition, in order to justify the attempt made in the Bill to reduce the rules to order and system.

"First, then, as to the proposition that the rules in question are substantially sound, and do far more good than harm, even in their present confused condition. The proof of this is, I think, to be found in a comparison between the proceedings of English Courts of Justice and those of countries which have no such rules, and between the proceedings of English Courts in which these rules are, and those in which they are not, understood and acted upon. As a preliminary remark, I think I ought to observe that the knowledge of these rules possessed by English lawyers is derived far more from the daily practice in the Courts than from theoretical study. Many English lawyers know by habit, almost instinctively, whether this or that (to use the common phrase) is or is not evidence, although they have hardly given the theory of the matter a thought. Practice, therefore, and not theory, affords the true test of the value of these rules. In fact, the clumsy, intricate, ambiguous, and, in many instances, absurd theory by which the rules of evidence are connected together came after the eminently sagacious practice which they were intended to justify and explain. What is the practical effect of these rules? I may, perhaps, be permitted to answer this by referring to a book which I published in 1863 on the criminal laws of England, and which contains, amongst other things, an analysis of several celebrated trials, English and French. One object of that analysis was to contrast the effect of the presence and absence of rules of evidence; and I think that any one who would take the trouble to compare those trials together carefully would agree with me in the conclusion that the practical effect of the English rules of evidence in those cases was to shorten the proceedings enormously, and at the same time to consolidate and strengthen them, keeping out nothing that a reasonable person would have wished to have before him as materials for his judgment. The French system, on the other hand, which dispenses with all rules of evidence, got, at least in those cases, no other result from the want of them than floods of irrelevant gossip and collateral questions enough to confuse and bewilder the strongest head. Again, compare the proceedings of an ordinary Court of criminal justice with the proceedings of a court-martial, in which the rules of evidence are far less strictly enforced and less clearly understood. An ordinary criminal Court never gets very far from the point, but a court-martial continually wanders into questions far remote from those which it was assembled to try. Nothing, for instance, is more common than to see the prosecutor change places, as it were, with the prisoner, or to find collateral issues pursued till the Court finds itself engaged in determining, not whether A was guilty of a military offence, but whether Z told a falsehood on some perfectly irrelevant subject. In a case which I well recollect, B testified against A. B being cross-examined to his credit stated a fact not otherwise relevant to the inquiry. Z denied the fact which B affirmed, and made further statements which were contra-

dicted by intermediate letters of the alphabet. No Judge can possibly be expected, by the mere light of nature, to know how to set limits to the inquiries in which he is engaged; yet if he does not, an incalculable waste of time and energy and a great weakening of the authority of his Court is sure to follow. Active and zealous advocates, who have no rules of evidence to restrain their zeal, would have it in their power to pervert the administration of justice to the basest purposes, and to inflict immense injury on every class connected with it, directly or remotely: that might, and often would, in such hands be made the excuse for tearing open old quarrels and reviving questions laid at rest, and giving fresh animus to scandals long since exploded; and the main question would frequently be lost sight of in a cloud of irritating and useless collateral issues. I may be excused for referring to my own experience at the Bar in illustration of this. Appeals against orders of affiliation used invariably to produce an amount of perjury and counterperjury which I should think it would be difficult to exceed in any country. In certain parts of the country, it was a point of honour for the friends of the putative father and of the mother, respectively, to 'go to session to swear for him or her,' as they used to say. No one who did not take part in such cases could imagine the strange ramifications of falsehood and contradition into which a hotly-contested case of this kind would spread, or the number of imputations thrown on the honesty and chastity of the different witnesses, male and female. If it had not been for the rules of evidence, the reputations of half the population of the village would have been torn in pieces. The rules of evidence kept matters to a point, and so minimized the evil; but the parties, the witnesses, and the attornies, all appeared to me to be one more anxious than another to fight the matter out till the very last rag of character had been stripped off the back of every man, woman, and child, whose name was in any way brought into the discussion. The French Courts display this evil in an aggravated form. In the work to which I have already referred will be found an account of the trial of a monk, named Leotade, for murder. If disposed of under the English rules of evidence, it could hardly have taken more than a day or two at the most. In the French Court, it lasted for, I think, about three weeks, and branched out into all sorts of subjects. One witness, in particular, was discovered to have seduced a girl seven years before, and letters from her to him were read to throw light on his character. He naturally wished to give his own account of the transactions, but was stopped on the ground that a line must be drawn somewhere, and that the Court chose to draw it between the point at which an irrelevant slur had been thrown on his character and the point at which, had he been permitted to do so, he might have given an equally irrelevant explanation.

It is not, however, merely for the purpose of confining judicial proceedings within reasonable limits that rules of evidence are useful. They are also of pre-eminent importance for the purpose of protecting and guiding the Judge in the discharge of his duty. There is a sense in which it may be said with perfect truth that even legislative power is unequal to the task of abolishing rules of evidence. No doubt, it is competent to the legislature to provide that no rules of evidence shall have the force of law; but unless they expressly forbid all Courts and Judges to act upon any rules at all, or listen to any arguments as to the manner in which they shall exercise the discretion with which they are invested (propositions too absurd to state or to discuss), the Judges infallibly will hear and will be guided by arguments upon the subject, and these arguments will be drawn from the practice of English Courts. Moreover, the Courts of Appeal will exercise their own discretion in the matter, and thus, by degrees, the system would grow up again in the most cumbrous, chaotic, and inconvenient of all conceivable shapes. The plain truth is that there is only one possible way of getting rid of the law of evidence, and that is by getting rid of the administration of justice by lawyers and returning to the system of mere personal discretion.

It may be that some persons would like this policy, but I suppose it is one which I need not discuss.

So far, I have considered the rules of evidence merely as they conduce to the important practical objects of keeping proceedings to the point, and of protecting and supporting the Judges. I must now say a few words on their value as furnishing the Judge with solid tests of truth. I fully admit that their value in this respect is often exaggerated and misconceived; but I think that, when the matter is fairly stated, it will be found that they have a real, though it may be described as a negative, value for this purpose. There are two great problems on which the rules of evidence throw no light at all, and on which they are not intended to throw any light; and it must be admitted that those problems are by far the most important of any which a Judge has to solve. No rule of evidence that ever was framed will assist a Judge in the very smallest degree in determining the master question of the whole subject—whether, and how far he ought to believe what the witnesses say? Again, rules of evidence are not, and do not, profess to be rules of logic. They throw no light at all on a further question of equal importance to the one just stated. What inference ought the Judge to draw from the facts in which, after considering the statements made to him, he believes? In every judicial proceeding whatever, these two questions—Is this true, and, if it is true, what then?—ought to be constantly present to the mind of the Judge; and it must be admitted both that the rules of evidence do not throw the smallest portion of light upon them, and that persons who are absolutely ignorant of those rules may give a much better answer to each of these questions than men to whom every rule of evidence is perfectly familiar. I think that a more or less distinct perception of this coupled with impatience

of the exaggerated pretensions which have sometimes been made on behalf of the rules of evidence, are the principal reasons for the distrust and dislike with which they are at times regarded. This dislike is, I think, merely a particular application of the vulgar error which in so many instances leads people to deprecate art in comparison with nature; as if there were an opposition between the two, and as if art in all cases did not presuppose and depend upon nature. The best shoes in the world will not make a man walk, nor will the best glasses make him see; and, in just the same way, the best rules of evidence will not supply the place of natural sagacity or of a taste for and training in logic; but it no more follows that rules of evidence are useless as guides to truth than that shoes or glasses are useless as assistances to the feet and to the eyes. The real use of rules of evidence in ascertaining the truth consists in the fact that they supply negative tests, warranted by very long and varied experience, as to two great points, the relevancy of facts to the question to be decided by the Court and the sort of evidence by which particular facts ought to be proved. They may in the broadest and most popular form be stated thus:—

If you want to arrive at the truth as to any matter of fact of serious importance, observe the following maxims:—

First, if your belief in the principal fact which you wish to ascertain is to be, after all, an inference from other facts, let those facts, at all events, be closely connected with the principal fact in some one of certain specific modes.

Secondly, never believe in any fact whatever, whether it is the fact, which you principally wish to determine, or whether it is a fact from which you propose to infer the existence of the principal fact, until you have before you the best evidence that is to be had; that is to say, if the fact is a thing done, have before you some one who saw it done with his own eyes: if it was a thing said, have before you some one who heard it said with his own ears: if it was a written paper, have the paper before you and read it for yourself. This exception—qualifications and explanations apart—is the true essence of the rules of evidence, and I think that no one will deny, either that these rules are in themselves eminently wise, or that they are by no means so obvious and self-evident that the mere unassisted natural sagacity of judicial officers of every grade can be trusted to grasp their full meaning and to apply them to the practical questions which arise in the administration of justice, with no assistance from any express law. I do not wish to exaggerate, but I must add that I attach considerable moral and speculative value to these rules. If they are firmly grasped by Courts of Justice, and rigidly insisted upon in all practical matters which come before the Courts, they will gradually work their way amongst the people at large, and furnish them with tests by which to distinguish between credulity and rational belief upon a great variety of matters which will be of vast importance. I ought to add that the good which they are calculated to effect can only be obtained by erecting them into laws and rigorously enforcing them. When this is done, I feel confident that experience will be continually adding to the proof of their value.

So far, I have tried to prove the proposition that the English rules of evidence are of real solid value, and that they are not a mere collection of arbitrary subtleties which shackle, instead of guiding, natural sagacity. I pass now to the next proposition, which is that these rules are expressed in a form so confused, intricate, and lengthy, that it is hardly possible for any one to learn their true meaning otherwise than by practice,—an inconvenience which may be altogether avoided by a careful and systematic distribution. For the proof of this proposition, if, indeed, it is disputed, I can only refer in general to the English text-books on the subject. They form a mass of confusion which no one can understand until, by the aid of long practice, he learns the intention of the different rules, of which they heap together innumerable and often incoherent illustrations. I am far from wishing to impute this as a fault to the industrious and, in many cases, distinguished authors of these compilations. They, like all other hand-books, are intended for immediate practical purposes, and are mere collections of enormous masses of isolated rulings, generally relating to some very minute point. It was necessary, therefore, that they should be arranged, rather with reference to vague catch-words with which the ears of lawyers are familiar, than with reference to theoretical principles which it has never been worth any lawyer's while to investigate.

The condition of the law of evidence, as well as the condition of many other branches of the law of England, affords continual illustrations of the extraordinary intricacy and difficulty which arises from the combination of the very greatest practical sagacity with an absence of sound theory, or, what is still worse, with the presence of unsound theory. No one who has not seen it could possibly imagine how obscure the meaning of a clever man may become when he is forced to squeeze it into the terms of a theory which does not fit it and is not true. I will give one or two illustrations of my meaning. The expression 'hearsay is no evidence' early obtained considerable currency in the English Courts. In a general way, its meaning is clear enough and, what is more, is true; but, when considered as the scientific expression of a general truth, from which rules can be deduced in particular cases, it is inaccurate, faulty, and obscure to the last degree. The objections to it are that both 'hearsay' and 'evidence' are words of the most uncertain kind, each of which may mean serveral different things. For instance, hearsay may mean what you have heard a man say, and this is its most obvious meaning; but it is difficult to imagine a grosser absurdity than the assertion that no one is ever to prove, in a judicial proceeding, anything said by any other person. 'Hearsay,' again, may be taken to mean that which a person

did not perceive with his own organs of perception; but this is not the natural sense of the word, and it is almost impossible in practice to divest a word of its natural meaning.

[Then follows the passage given as notes, (1) to section 3.]

I shall now proceed to describe, shortly, the principles on which the Draft Bill of the committee has been framed. In the first place, we thought it necessary to fix the sense in which the fundamental terms of the subject should be understood, and for that purpose we define 'fact,' 'evidence,' 'proof,' 'proved,' and some other words as to which I will content myself with a reference to the report. It seemed to us that the remainder of the subject would fall under the following general heads:—

1. The relevancy of facts to the issues to be proved.
2. The proof of facts, according to their nature by oral, documentary, or material evidence.
3. The production of evidence in Court.
4. The duties of the Court, and the effect of the mistaken admission on rejection of evidence.

These heads would, we think, be found to embrace, and to arrange in their natural order, all the subjects treated of by English text-writers and Judges, under the general head of the Law of Evidence. I will say a few words on their relation to each other, and on each of them in turn.

(Here follows the passage given as notes on Chap. II. See p. 782)

In English text-books, so far as my experience goes, these rules and others of the same sort, are nowhere presented in a compact substantive form. They come in for the most part as exceptions to the rule that evidence must be confined to the points in issue. In fact, they can be learned only by the practice of the Courts, though they are as rational and easy as any rules need be, if they are properly stated.

(Here follows passage given as notes on Chapter IV. See p. 801: then the passage given as note to sec. 165, and the remainder of the speech is no longer necessary as the provisions to which it relates have not passed into law.)

The more important parts of Mr. Stephen's 2nd speech have been reproduced as notes to the Act; the remainder being defensive rather than explanatory of the Bill, has not been printed.

EXCISE—OPIUM.

BENGAL.

Act XIII of 1857.

Recites expediency of removing the existing inconsistency between the law and the practice as to the cultivation of the poppy and the manufacture of opium, and of repealing obsolete Regulations, and of consolidating and amending the law on the subject.

XXII. All proprietors, farmers, tahseeldars, gomashtahs, and other managers of land, shall give immediate information to the Police or Abkaree darogahs, or Opium gomashtahs, or to the Magistrates, Collectors or officers in charge of the Abkaree Mehal, or to the Agents, their Deputies, or Sub-Deputies of all poppy which may be illegally cultivated within the estates or farms held or managed by them; and every proprietor, farmer, tahseeldar, gomashtah, or other manager of land, who shall knowingly neglect to give such information, shall be liable to the penalties for illegal cultivation prescribed in the last preceding section (see schedule).

XXIII. All Police and Abkaree darogahs, and Opium gomashtahs, and all native officers of Government of whatever description, and all chowkeydars, pykes, and other village Police officers, shall give immediate information to the authority to which they are subordinate when it may come to their knowledge that any land has been illegally cultivated with poppy; and such authority shall transmit the information to the Sub-Deputy Agent, or other officer superintending the cultivation of the poppy, if in a district where the poppy is cultivated on account of Government, or to the Collector or officer in charge of the Abkaree Mehal, if in a district where the poppy is not so cultivated. See Schedule, s. 23.

XXIV. Whenever a Police or Abkaree darogah or Opium gomashtah shall receive intelligence of any land within his jurisdiction having been illegally cultivated with poppy, he shall immediately proceed to the spot, and if the information be

correct, shall attach the crop so illegally cultivated, and report the same without delay to the authority to which he may be subordinate. He shall at the same time take security from the cultivator of the said land for his appearance before the Magistrate; and in the event of such cultivator not giving the required security, he shall send him in custody to the Magistrate.

XXV. Proprietors, farmers, tahseeldars, gomashtahs, and other managers of land shall be at liberty to attach any poppy grown in opposition to the provisions of this Act in any estate or farm held or managed by them, and shall immediately report such attachment to the nearest Police or Abkaree darogah, or Opium gomashtah who shall thereupon proceed in conformity with the rules contained in the last preceding section.

XXVI. Except as otherwise herein provided, all fines, penalties, and confiscations prescribed by this Act shall be adjudged by the Magistrate on the information of the Deputy Agent or Sub-Deputy Agent in districts in which the poppy is cultivated on account of Government, and in other districts on the information of the Collector or officer in charge of the Abkaree Mehal; provided, that no information of an offence against this Act shall be admitted unless it be preferred within the period of one year after the commission of the offence to which the information refers.

XXX. One-half of all fines and penalties levied from persons convicted of offences under Sections XIX, XX, and XXI, of this Act, together with reward of one rupee eight annas for each seer of opium confiscated and declared by the Civil Surgeon to be fit for use, shall, upon adjudication of the case, be awarded to the officer or officers who apprehend the offender, and the other half of such fines and forfeitures, together with a reward of one rupee eight annas for each seer of opium confiscated as aforesaid, shall be given to the informer. If in any case the fine or penalty is not realized, the Board of Revenue may grant such reasonable reward, not exceeding the sum of two hundred rupees, as may seem to them fit.

XXXI. Governor-General in Council may allow free cultivation of poppy and delivery of opium in any district; and when such order has been published, all the provisions of this Act shall cease to have effect in such district or districts. Provided always that the Government may prescribe rules for the delivery of the opium so produced to officers of Government appointed to receive it; and when such rules have been passed, any cultivator or other person engaged in the cultivation of the poppy and manufacture of opium who shall dispose of any opium otherwise than is allowed by such rules, and any person who shall purchase or receive any such opium in contravention of the said rules, shall be subject to the penalties prescribed in Section XIX of this Act; and such penalties may be adjudged by a Magistrate on the information of any officer of Government or of any other person.

Schedule of Offences punishable under Act XIII of 1857.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
17	Any officer of the Opium Department receiving any fee, gratuity, perquisite, or allowance either in money or effects under any pretence from any cultivator or any other persons employed or concerned in the provision of opium other than the authorized allowances of his situation.	of Government, elsewhere, Collector, or officer Abkaree Mehal.	N. C.	S.	B.	Dismissal and fine not exceeding Rs. 500.	Any Magistrate.	No information of any offence against this Act admitted, unless preferred within one year after the commission of the offence to which it refers. See s. 28 and remark on page 834.
19	Cultivators entering into engagements with Government on account of poppy cultivation, embezzling or illegally disposing of opium.		"	"	"	Fine not exceeding ten times the fixed fine of the opium proved to have been disposed of or not exceeding Rs. 500 if the former amount be less than Rs. 500 and confiscation of opium.	"	"

20	Any person purchasing or receiving or bargaining for purchase of or in any way causing or encouraging to embezzle or illegally dispose of opium of any cultivator or other person who may have engaged with Government for cultivation of poppy or provision of opium.	Deputy Agent or Sub-Deputy Agent where poppy is cultivated on account in charge of	"	"	"	Fine not exceeding Rs. 1,000, unless opium so bargained for, &c., exceed 31¼ seers; then not exceeding Rs. 32 per seer for all opium in excess of 31¼ seers in addition to the Rs. 1,000 and confiscation of opium.	"	"
	Any officer of the Opium Department conniving at the illegal disposal of embezzlement of opium.		"	"	"	Same as above.	"	"
21	Any person cultivating poppy without a proper license, or causing, encouraging, or promoting such illegal cultivation.		C.	"	"	Fine not exceeding Rs. 500, unless land so cultivated exceed 20 beegahs; then not exceeding Rs. 25 per beegah and destruction of poppy plants, seizure and confiscation of all extracted opium. If opium shall have been extracted and not seized, then further fine not exceeding Rs. 32 per beegah of land illegally cultivated.	"	"
22	Proprietor, farmer, tahseeldar, gomashta, &c., or other manager of land knowingly neglecting to give information of illicit cultivation.		N. C.	"	"	Same as above.	"	"

Schedule of Offences punishable under Act XIII of 1857.—(Concluded.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
23	Police or abkaree darogah, opium gomashta, native officer, chowkeydar or other Police officer neglecting to give information, or conniving at illicit cultivation of poppy.	Deputy Agent or Sub-Deputy Agent where poppy is cultivated on account of Government, elsewhere, Collector, or officer in charge of Abkaree Mehal.	N. C.	S.	B.	Fine not exceeding Rs. 500, but if offender belong to Opium Department not exceeding Rs. 1,000.	Any Magistrate.	Imprisonment in default may be awarded in case of each of above offences not exceeding six months in the *civil jail*, save in the case of Government or Police officers offending under Sections 17 to 20 or 23 when it shall be in the *criminal* jail. Payment of whole fine, but not of a fraction of it will procure release from imprisonment as soon as it is paid.
28	Subsequent conviction of any of the above offences.		"	"	"	Imprisonment not exceeding six months *in the civil jail*, unless offender be officer of Government or Police officer guilty of an offence under Sections 17 to 20 or 23, then *criminal jail*.	"	
30	Any cultivator or other person engaged in the cultivation of poppy or manufacture of opium, disposing of opium otherwise than allowed by Government rules any person receiving or purchasing opium in contravention of the said rules.	Any person.		"	"	Same as for s. 19.	"	

PANJAB.

ACT XXXVI OF 1872.

This Act extends only to the territories under the government of the Lieutenant-Governor of the Panjáb;

Commencement.

And it shall come into force on the first day of January 1873.

'Opium' defined.

2. In this Act and in the Panjáb Laws' Act, 1872, 'opium' includes also poppy-heads and all intoxicating drugs prepared from the poppy.

3. Wherever in the said territories an acreage duty is for the time being leviable on the cultivation of the poppy, sections fifteen, nineteen, sixty-two, sixty-five, and sixty-six of the Excise Act, 1871, shall have no effect so far as they restrict, directly or indirectly, the sale of opium grown within the said territories, or prohibit the possession or sale of such opium by persons other than licensed vendors.

Burden of proof in prosecutions.

4. In prosecutions under the said sections respectively, it shall be assumed, until the contrary is proved, that the opium in respect of which an offence is alleged to have been committed, has been grown without the said territories.

Confiscation of opium.

5. Whenever any rule made by the Local Government under the Panjáb Laws' Act, 1872, and relating to the growth, sale or possession of opium, is broken, the opium in respect of which the breach is committed shall be liable to confiscation.

EXCISE—SALT.

NORTH-WESTERN PROVINCES (See s. 33).

ACT XXIX OF 1838.

II. It is hereby enacted, that when information shall be given to any Salt Agent or Superintendent of Salt Chokies, that contraband salt is stored in any warehouse, dwelling-house, or other place situated in the tract of country in Bengal or Orissa, within which the transportation of salt without ruwana, is not lawful, and such Salt Agent or Superintendent of Salt Chokies shall deem the information credible, and desire to act thereupon, he shall require the same to be given to him in writing, or shall take the deposition of the informant, as may be most convenient, so that the following particulars shall be placed on record in his office—First, the name, profession, and place of residence of the informant. Second, the place, that is, the name of the town or village, and description of the house, warehouse, or other place where the salt may be stated to be in store. Thirdly, the name of the person to whom the house, warehouse, or other place belongs, or on account of or by whom the salt is there stored. Fourthly, the quantity and description of the salt, and the grounds for believing the same to be contraband.

III. And it is hereby enacted, that if the contraband salt so stated to be in store exceed in quantity one maund or Indian mun, it shall be liable to seizure in manner following (that is to say), the Salt Agent or Superintendent of Chokies, having before him the written statement or deposition of an informer, given in or taken down as above prescribed, shall, provided the place of such store be not too distant, proceed in person, together with the informant, summoning by written notice the nearest Police darogah or other officer in charge of the Police thannah or station to attend likewise, and witness the proceeding.

IV. And it is hereby enacted, that for the purpose of making seizure of salt in store so informed against, it shall be competent to any Salt Agent or Superintendent, having a Police officer in company, to break open the door of the house, warehouse, or other place in which the salt may be stated to be stored, if, upon requisition duly made, the door be not immediately opened by the owner or occupant thereof.

V. And it is hereby enacted, that if the Salt Agent or Superintendent shall not be able to proceed in person to make a seizure of salt, in manner above provided, he shall send along with the informer one or more confidential officers of his public establishment, not being under the rank of a jemadar of peons, giving to such officer or officers his warrant ordering and authorizing the seizure, and sending notice as above prescribed for the Police darogah or other Police officer to attend, and the officer so deputed shall have power to act in like manner as is provided for the Agent or Superintendent in person; provided that the door of no house, warehouse, or other place, shall be broken open to make a seizure of salt except in the presence of a Salt Agent or Superintendent of Chokies, or of an officer so specially deputed, and of an officer of Police.

VI. And it is hereby enacted, that it shall be competent to the head officer of any Salt Chokie or Aurung for the manufacture of salt, and for any assistant to a Salt Agent or Superintendent, to receive information of salt exceeding one maund in quantity being in store in a house, warehouse, or other place, in the manner prescribed in Section II, and to act thereupon as provided in Sections III and IV of this Act for the Salt Agent and Superintendent, provided that the place of store described in such information be situated at a distance of more than three kos from the station of Salt Agent or Superintendent of Chokies, or from the place where the Salt Agent or Superintendent may be.

VIII. And it is hereby enacted, that whenever it shall be necessary to break open any house, warehouse, or other place, to effect a seizure of salt, the rules and precautions prescribed in Regulation XX of 1817, and Section X, Regulation VII of 1799 of the Bengal Code, for breaking into a house for execution of process of distraint, shall always be observed by the Police officers in attendance; provided, however, that the responsibility for the act, and the determination whether to require the door to be broken open or not shall rest with the officers of the Salt Department only.

(*N. B.*—These are practically the same as those in the Criminal Procedure Code.)

IX. And it is hereby enacted, that whenever a seizure of salt in store in any house, warehouse, or other place, shall be made by a Salt Agent or Superintendent of Chokies, the circumstances which attended the seizure shall be recorded in an official proceeding to be placed on record in the office.

X. And it is hereby enacted, that if the seizure be made by an officer of the Salt Department, other than an Agent or Superintendent of Chokies, such officer shall report the circumstances within twenty-four hours to his official superior; and the Police officer in attendance shall likewise report the occurrences at the time of seizure to his official superior.

XI. And it is hereby enacted, that no salt found in store in any house or warehouse shall be deemed to be contraband, or shall be liable to seizure, unless, when the search is made, there shall be found more thereof than one maund or Indian mun, and the owner or person in charge shall be unable to account satisfactorily for the manner of its being in his possession.

XII. And it is hereby enacted, that whenever salt shall be seized as contraband, because unaccompanied by any ruwana or other protecting document, the person or persons conveying or having in charge the same shall be apprehended; and all officers* who are empowered to seize salt under the provisions of Regulation X of 1819 of the Bengal Code, shall likewise be competent to arrest the parties found with or having the salt in possession.

XIII. And it is hereby enacted, that it shall be lawful for the Salt Agents and Superintendents of Chokies and other officers who may be duly empowered to seize salt, to stop and search any boats or vessels of a build adapted for sea navigation, that may be found within the limits described in Section XXXIII of this Act; and

* Salt Agents and Superintendents of Chokies and their assistants, uncovenanted Europeans and their subordinate native officers. Governor-General in Council may also authorize Zillah and City Magistrates, Collectors of Land Revenue, officers in charge of Abkaree Mehal, Collectors and Deputy Collectors of Customs, Opium Agents, their deputies and subordinate officers.

if salt shall be found thereon, not accompanied by the necessary ruwana or other protecting document, to detain the vessel with the crew thereof, and to take them for adjudication of the case to the nearest accessible station of an officer empowered to adjudicate cases of contravention of the Salt Law.

[II. In modification of Section XIV, Act XXIX of 1838, any person who shall be found conveying salt, exceeding in quantity five seers of eighty tolas to the seer, without protective document, within the tract of country in Bengal or Orissa wherein the transportation of salt, unless so protected, is prohibited, and also all persons found in gangs or companies carrying salt so unprotected, which in the whole quantity exceeds ten such seers, shall be subjected to the penalties prescribed by Regulation X of 1819 of the Bengal Code, and Act XXIX of 1838 for the illegal possession and transportation of Salt—Act III of 1851.]

XV. And it is hereby enacted, in modification of Section CXXI of Regulation X of 1819 aforesaid, that any person or persons, who may be convicted of smuggling salt without ruwana, singly or in gang, and sentenced to pay a fine to Government on account of salt so smuggled or attempted to be smuggled, shall, if the fine be not paid, be liable to imprisonment in the Criminal or Foujdaree gaol, for a period not exceeding six months in commutation of such fine.

XVI. And it is hereby enacted, in further modification of Section CXXI of Regulation X of 1819 aforesaid, that any person who may be sentenced under Sections (*a*) XXXI, LXVIII, and LXX of the said Regulation, to imprisonment in addition to fine, for the offences described in those sections respectively, shall in like manner be liable, as above provided for persons convicted of gang smuggling, to undergo such punishment in the Foujdaree gaol: and cases of the kind described in the said sections shall be adjudicated, in like manner as cases in which fine only is adjudged: and the warrant of the officer adjudicating any case under this or the preceding section of this Act, shall be authority for the Magistrate, or other person in charge of the Foujdaree gaol, to hold the person described therein in confinement in such gaol, as may be specified and required in the said warrant.

XVII. And it is hereby enacted, that when any person shall be convicted of gang smuggling, or of any of the offences described in Sections XXXI (*a*) and LXX of Regulation X of 1819 aforesaid, after having been previously convicted of a like offence, he shall be sentenced, in addition to the penalty attaching to such offence, to imprisonment in the Foujdaree gaol for a period of six months, and a like punishment of six months' imprisonment shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

(*a*) See these sections at the end of the Act.

XXI. And it is hereby enacted, that whenever any person may be arrested by an officer of the Salt Department, or by any other officer of other departments duly empowered to make a seizure of salt, the person making the arrest shall be bound to carry the party arrested direct to the officer of the Salt Department who may be competent to try the case; and no person so arrested shall be released, until the case shall have been brought to judgment in the manner provided by law.

XXIV. And it is hereby enacted, that when parties shall be convicted of the illegal possession or transportation of salt, and shall be liable to the penalty of five rupees per maund as prescribed in Section XXXVI, Regulation X of 1819 of the Bengal Code, the fine shall be at the said rate according to the quantity of salt seized, whether less or more than one maund, and each one of the smugglers in company, or parties to the fraud on the revenue, shall be liable to the whole fine.

XXVI. And it is hereby enacted, that cases arising out of this Act shall be tried in the same manner as is prescribed in Regulation X of 1819 of the Bengal Code for other cases of contravention of the laws for the protection of the revenue derived from salt; and the officer adjudicating the case shall be guided by the provisions of Sections C to CXVI of that Regulation; and the Judge of the City or

Zillah shall be bound to proceed in respect to persons sentenced to any fine or other penalty under the provisions of this Act, in the same manner, subject to the modifications and additions hereinafter provided, as is prescribed in respect to persons convicted of the offences and tried before the authorities specified and provided by the said Regulation.

XXVII. And it is hereby enacted, in modification of Clauses XXXII and XXXIII of Regulation X of 1819 of the Bengal Code that it shall be the duty of every party under direct engagements with Government for the land revenue, either as a proprietor or farmer, and of every proprietor of lakhiraj lands upon whose zemindaree farm or lakhiraj estate there shall be any works producing salt, otherwise than under contract with a Salt Agent or on account of Government, to give notice of the same in writing to the nearest public officer of Police or Land Revenue or of the Salt Department, within ten days from the date on which the works were first prepared; and in like manner it shall be the duty of every person employed in the collection of the land revenue of any mehal on the part of Government, or of the Court of Wards, or of joint proprietors, to give like notice in respect to salt manufactured on the lands under their management; and every such proprietor, farmer, proprietor of lakhiraj estate or manager, who shall knowingly omit to give such notice, shall be liable on conviction before the Judge of any Zillah or City to a fine of 500 Rupees for every khalaree or salt work established on his lands; and such knowledge shall not be required to be established by direct proof, but may be inferred from circumstances at the discretion of the Judge deciding the case; and any fine that may be adjudged under this Section shall be recoverable by distress and sale of the goods and chattels of the offender, or by process of execution taken out by any Salt Agent, or Superintendent of Chokies in the manner provided for decrees of the Civil Court.

XXVIII. And it is hereby enacted, in modification of Section LXIV, Regulation X of 1819 aforesaid, and in addition thereto that, when there may be no direct proof of the unauthorized removal of salt from any golah, or place of Government store, sufficient to convict the parties concerned therein of theft within the provisions of the said Section, the officer or officers who may have been entrusted with the charge of such golah or place of Government store, shall nevertheless be liable for the offence of embezzling the salt of any store in their custody the out-turn of which shall, according to the accounts kept of receipts and deliveries, exhibit a deficiency for which he or they may not duly account. And the officer in charge of any golah or salt store shall in like manner be deemed guilty of embezzlement if he has made away with, or shall not produce the true account of such store; and any person against whom the offence of embezzlement shall be established under this Section, shall be liable, on conviction before the Magistrate of the City or District, to be punished by fine and imprisonment under the general powers vested in the Zillah and City Magistrates.

XXIX. And it is hereby enacted, in addition to the Rules contained in Sections CXI, CXII, and CXIII of Regulation X of 1819 of the Bengal Code, for the adjudication of cases of contravention of the laws enacted for the protection of the revenue derived from salt, that if the attendance of the parties charged with such offences cannot be obtained by reason of their failure to attend in person or by vakeel, after being served with a summons, or by reason of their evading process, the officer adjudicating any such case shall issue notice for the attendance of the parties accused in the manner prescribed in Section CII of the said Regulation; and if the parties do not attend in person or by vakeel within the time fixed by such notice, the officer adjudicating the case shall pass judgment thereon, under the said last-mentioned Section, in like manner as if the parties accused were present; and the officer so adjudicating any case *ex parte*, may, at any time after such judgment, issue his warrant for the apprehension of the persons convicted for execution of the sentence, in the manner provided in Regulation X of 1819 of the Bengal Code, and in this Act, for cases in which the parties were present; and further may at any time sue out process for levying the amount of fine adjudged, from any Civil

Court competent to execute its own decrees in the manner and form prescribed for the execution of the decrees of such Civil Court under Section XXX of this Act.

XXX. And it is hereby enacted, that when the officer holding proceedings in any case *ex parte*, as above provided, shall refer the case to the Judge of any City or Zillah in consequence of the amount of fine being such as the said officer is not competent finally to adjudge, the Judge of the City or Zillah to whom such case may be referred shall issue such orders and institute such proceedings as are authorized by Sections CXI to CXIII of Regulation X of 1819 of the Bengal Code, in like manner as if the offenders were sent over with the case or were present to be heard in their defence; and whenever any fine may be adjudged by the Zillah or City Judge, the same may be levied on the application of the Salt Agent or Superintendent of Salt Chokies under the rules in force for the execution of the decrees of Civil Courts.

XXXI. And it is hereby enacted, in modification of the rules contained in Sections CXI and CXII of Regulation X of 1819 of the Bengal Code, whereby the power of final adjudication by Salt Agents or Superintendents of Chokies, in cases of the contravention of the laws enacted for the protection of the salt revenue, is restricted to cases in which the quantity of salt proposed to be confiscated shall not exceed twenty maunds, or the fine adjudicated shall not exceed 50 Rupees, that the judgment of any Salt Agent or Superintendent of Chokies, or of any other officer vested by Government with like jurisdiction in such cases, shall be final in all cases wherein the salt adjudged to be confiscated shall not exceed eighty maunds, and the fine imposed upon the defendant, or any one of several defendants, shall not exceed 400 Rupees. Provided, however, that every such judgment may, under Section CXVII of the said Regulation, be brought by petition before the Board of Customs, Salt and Opium, and be reversed or amended by that authority.

XXXII. And it is hereby enacted, in modification of Section CXIV, Regulation X of 1819 of the Bengal Code, that the Zillah and City Judges shall pass final judgment in all cases referred to them for adjudication when the quantity of salt to be confiscated shall exceed eighty maunds, or the fine imposed shall exceed 400 Rupees; provided, however, that there shall in all such cases be an appeal open to the Sudder Dewanny Adawlut, under the rules for the admission of special appeals in that Court, upon any point of law which may be ruled by a Zillah or City Judge in any such judgment.

XXXIII. And it is hereby enacted, that the penalties of this Act shall take effect only within the tract of country guarded by Salt Chokies in the manner prescribed in Section XXXVI of Regulation X of 1819 of the Bengal Code, and within which the transportation of salt, not belonging to Government, without a ruwana or special pass from the Board of Customs, Salt and Opium, is not lawful.

Note.—The whole Act repealed as regards Lower Bengal by Act VII of 1864.

Schedule of Offences punishable under Act XXIX of 1838.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
7	Darogah or person in charge of a Police thannah or station receiving notice to attend at a seizure of salt in store as above prescribed and not attending; or attending and refusing to act in aid of the seizure; or in any way wilfully frustrating the object of the search and seizure.	Officers of the Salt Department.	N. C.	S.	B.	Dismissal from office and fine equal to the amount of fine that would have been leviable on the owner of the salt, had it been seized according to information laid.	Any Magistrate.	
19	Any person by threats or by violence preventing the lawful arrest of any person by an officer duly authorized to seize salt, or procuring his release after arrest, or party found with salt in his possession, or any other person resisting any such officer.		"	"	"	Fine not exceeding Rs. 200 ...	"	

20	Any officer making an arrest upon account of salt smuggling and neglecting to carry the person arrested to the proper officer of the Salt Department, or delaying to report the arrest to his superior, or releasing or conniving at the escape of the person arrested.	Any person.	"	"	"	Dismissal from office and fine not exceeding Rs. 200, and imprisonment not exceeding three months; in default of payment of fine to further imprisonment not exceeding three months.*	"	* This sentence may be adjudged by any officer competent to adjudicate a forfeiture of contraband salt.
22	Any officer of the Salt Department vexatiously and unnecessarily seizing the goods of any person on the pretence of seizing or searching for salt, or vexatiously or unnecessarily arresting any person, or stopping and detaining any boat unnecessarily and without authority, or detaining any boat longer than is necessary for the purpose of search.		"	"	"	Besides dismissal, imprisonment not exceeding six months, and fine not exceeding Rs. 200, commutable, if not paid, to a further imprisonment not exceeding six months.	"	
23	Any person wilfully and maliciously giving false information in respect to there being illicit salt in store in any house or warehouse, and so procuring that such house or warehouse shall be searched to the injury or vexation of the owners thereof, or of any other person or persons whatever.		"	"	"	Imprisonment for two years, and fine not exceeding Rs. 500, and in case of default to imprisonment for a further period of six months.	"	
27	Proprietor, farmer, &c., knowingly omitting to give notice as required, &c., see Section 27.		"	"	"	Same as above ...	"	

See also Ss. 14, 15, 17, 24, 27.

REGULATION X OF 1819.

30. Alimentary salt shall not be made in the provinces of Bengal, Behar, or Orissa, excepting on account of Government, or with their sanction; and all salt made in breach of this Regulation shall be forfeited, and the parties offending shall be liable to the penalties hereinafter prescribed.

31. Any person who shall manufacture salt in opposition to the above prohibition, or shall directly or indirectly be concerned in, or in any way encourage or promote such illicit manufacture, shall forfeit for each khalaree or salt work established by him or with his connivance, such sum not exceeding Rs. 500 as may appear reasonable and sufficient with reference to the circumstances of the case and the condition in life of the offender; and each fire or fire-place applied, used, or prepared for the manufacture of salt, shall be held to constitute a separate khalaree within the meaning and intent of this Regulation. In addition to the above penalties, the offender shall be liable to imprisonment for a period not exceeding six months.

65. If any officers or servants employed in the Salt Department, or any other native officer of Government, shall under any pretence or by any means whatever, directly or indirectly, cause salt to be obtained from the manufacturers or other persons employed in the Salt Department otherwise than on account of the Government, or shall cause salt to be manufactured for their own benefit or knowingly permit such manufacture for the benefit of any other person, the salt so obtained or manufactured shall be confiscated, and the officer or servant so obtaining the salt, or causing the salt to be so manufactured, shall on conviction pay a fine, to be calculated at the rate of sicca rupees ten for every maund of salt so obtained or manufactured, and the officer or servant aforesaid shall further be liable to imprisonment for a period not exceeding six months.

INTERNAL CUSTOMS ACT, N. W. P., CENTRAL PROVINCES.

ACT XIV OF 1843.

II. It is enacted that the following and no other duties of customs shall be leviable upon the import and export of articles into and from the North-Western Provinces of the Presidency of Bengal, that is to say:—

[II. It shall be lawful for the Governor-General in Council to order the levy, on and after the 24th day of December 1859, of a customs duty not exceeding three Rupees per maund on salt imported into the North-Western Provinces of the Presidency of Bengal. A further duty not exceeding one Rupee per maund, to be fixed by order of the Governor-General in Council, shall, on and after the said 24th day of December 1859, be leviable on the transmission of salt to the eastward of Allahabad.] (Act I of 1860.)

On the export of misree, kund, chenee and all clayed and refined sugar, one Rupee per maund (Act XVII of 1861); goor, rab, sheerah, and all unclayed and unrefined saccharine produce, six annas per maund. (Act XVII of 1861).

III. And it is further enacted that it shall be lawful for the Government of the said provinces from time to time to make and issue such orders as may be deemed expedient for the collection of the aforesaid duties in such manner, and upon such line or lines, and at such places on or near such line or lines as may seem fit, and all such orders shall have the same force as if they formed a part of this Act from the date notified in the Gazette wherein they shall be published. (Act VII of 1864, s. 3.)

So much of Sections III, IV, V, VI, VII, VIII, IX, X, XI, XII, and XIII of Act XIV of 1843 as relates to the manufacture and importation of alimentary salt, and to the prevention and punishment of the illicit manufacture and importation of such salt, extended to Central Provinces.

V. And it is further enacted, that it shall be lawful for the Collectors of Customs and the Collectors of Land Revenue within their jurisdictions to destroy all works for the manufacture of salt, and to seize the salt stored thereat, and to apprehend the persons concerned in the manufacture thereof, and make them over for trial to the Magistrate within the limits of whose district the offence may have occurred. See s. 3, *n*.

VI. It is further enacted that all sugar imported into the said provinces, and all articles imported or exported without payment of the duties imposed by this Act, or in contravention of the orders which may be made and issued under the provisions thereof, and all boats, carriages, and conveyances, and all animals used in transporting the same, shall be liable to be seized and confiscated in the manner hereinafter mentioned. See s. 3, *n*.

VIII. And it is further enacted that it shall be lawful for all officers of the Customs Department to search any carriages and conveyances and any packages, upon reasonable grounds of suspicion that such carriages, conveyances or packages contain any articles made subject to duty or prohibited to be imported by this Act, and to detain all such articles as may be liable to confiscation under the provisions thereof. See s. 3, *n*.

IX. And it is hereby enacted that whenever any articles or goods shall be seized or detained under the provisions of this Act, the Collector or Deputy Collector of Land Revenue or Customs, within whose jurisdiction such seizure or detention shall occur, shall, with all practicable expedition, report the case for the determination of the Commissioner of Revenue, and it shall be lawful for such Commissioner to declare such articles or goods to be confiscated, or to impose such lesser penalty in lieu thereof as to him may seem fit. See s. 3, *n*.

X. And it is hereby enacted that it shall be lawful for all officers in the Customs Department to apprehend any person upon reasonable grounds of suspicion that such person is liable to punishment under this Act, and to make him over for trial with all practicable expedition to the Magistrate within whose jurisdiction the offence may occur. See s. 3, *n*.

Schedule of Offences punishable under Act XIV of 1843.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
4	Any person engaging in the manufacture of salt without express sanction of Government, or preparing or causing to be prepared work for manufacture of such salt without such sanction. All zemindars or other proprietors of land or their agents conniving at such illicit manufacture.		C. *	S.	B.	Fine not exceeding Rs. 500, or in default imprisonment of either description not exceeding six months: destruction of all works at which such manufacture shall have been conducted or which were designed for it, and seizure and confiscation of any salt manufactured or stored thereat.	Any Magistrate.	The purification or refinement of impure salt obtained in the manufacture of saltpetre so as to produce alimentary salt shall be deemed a manufacture of salt. (Act XXXVI of 1855, Section 9.) Sentences open to appeal as in Code of Criminal Procedure.
7	All persons evading, or attempting to evade, payment of duties imposed by this Act. All aiding or abetting such evasions. All acting in any manner in contravention of this Act, or of any order made and issued under its provisions. All zemindars, &c. (as in Section 4) wilfully conniving at such attempts or evasions or aiding such act.	person.	"	"	"	Fine not exceeding Rs. 500, or in default imprisonment of either description not exceeding six months.	"	* By Excise Officer.

16	Any officer of the Customs Department without reasonable grounds of suspicion searching any carriage or conveyance or any package.	Any	"	"	"	Fine not exceeding Rs. 250 (to be paid over to the party aggrieved), and in default imprisonment not exceeding three mohths.	"	
11	Any officer of the Customs Department under color of this Act apprehending any person without reasonable grounds of suspicion that such person is liable to punishment under this Act. *See also Act XXV of* 1869.		"	"	"	Fine not exceeding Rs. 500 (to be paid over to the party aggrieved), and in default imprisonment not exceeding six months.	"	

SALT.—N. W. PROVINCES, OUDH, AND CENTRAL PROVINCES.

ACT XXXVI OF 1855.

I. Whenever any Collector, or other Officer of Customs or Land Revenue, not being under the grade of Asistant Patrol in the Custom Department, or of Naib Tesheeldar in the Revenue Department, receives credible information that within his jurisdiction salt is unlawfully manufactured in any dwelling-house, warehouse, or other enclosed place, or that salt is unlawfully stored in any such house or place within the limits of Customs jurisdiction as defined by the Government of the North-Western Provinces of the Presidency of Bengal under the provision of Section III of Act XIV of 1843, he shall first record in writing the name, residence, and calling of the informant, the locality and description of the house or place where he believes the salt to be manufactured or stored, and the name of the owner or occupant of such house or place, or the name of the person for or by whom such salt is manufactured or stored, and with respect to salt stored, the supposed quantity and description of such salt with the grounds for believing the same to be contraband.

II. The said officer, after recording the particulars aforesaid, may summon from the nearest Police-station a Police officer, not being under the grade of a jemadar, to attend him, and with such Police officer and informant proceed to the said house or place, and in their presence search the same for salt unlawfully manufactured or stored; provided that such search be not made between sunset and sunrise.

III. The said officer, in company with such Police officer, may break open the door or force an entry within the said house or place, if, upon requisition duly made, the door be not opened, or admission be refused by the owner or occupant thereof.

IV. Repealed by Act XIX of 1862, s. 2, and a new provision substituted. See p. 853.

V. No salt found stored in any house or place within the limits of Customs jurisdiction mentioned in Section I of this Act, not being salt unlawfully manufactured thereat, shall be deemed contraband, unless the quantity found shall exceed five seers in weight.

VIII. Every search under this Act, whether the result thereof be the seizure of contraband salt or otherwise, shall be reported within forty-eight hours by the officer of Customs or Land Revenue and by the officer of Police present at the search, to their respective official superiors.

IX. The purification or refinement of impure salt, obtained in the manufacture of saltpetre, so as to produce alimentary salt, shall be deemed a manufacture of salt within the meaning of this Act and of Act XIV, 1843.

Extended to the N. W. Provinces by Act XXXI, 1861, s. 8, and to Oudh by Act XIX of 1862. The whole Act save s. 4 extended to Central Provinces by Act VII of 1864.
Note.—See ruling of Oudh Judicial Commissioner, given at p. 850.

Schedule of Offences punishable under Act XXXVI of 1855.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
6	Police officer, summoned to attend under Section V, failing to attend himself or to depute a subordinate Police officer not being below the grade of a jemadar to attend; or Police officer attending and refusing to aid in the search or seizure of contraband salt; or in any way wilfully frustrating the object of the search or seizure.	Any person.	N. C.	S.	B.	Dismissal from office and fine equal in amount to the fine that would have been levied on the owners or holders of salt had it been seized according to the information laid.	Any Magistrate.	
7	Any Officer of Customs or Land Revenue vested with power to carry into effect the provisions of this Act, and under cover thereof searching or causing to be searched any dwelling-house, warehouse, or other enclosed place without reasonable ground of suspicion that contraband salt is there manufactured or stored.		"	"	"	Fine not exceeding Rs. 500 (to be paid to the party aggrieved), and in default imprisonment not exceeding six months.	"	

Schedule of Offences punishable under Act XXXVI of 1855.—(Concluded.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Summons or Warrant to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
	Any person wilfully and maliciously giving false information and so causing search to be made in any dwelling-house, warehouse, or other enclosed place to the injury or vexation of the owners, occupants, or any person or persons. *See also Act XXV of* 1869.	Any person.	N. C.	S.	B	Fine and imprisonment of either description not exceeding two years.	Any Magistrate.	

SALTPETRE.—N. W. P.

ACT XXXI OF 1861.

I. From the time when this Act shall come into operation, it shall not be lawful for any person in the North-Western Provinces of the Presidency of Bengal, or in any other part of the British territories in India to which this Act shall be extended in the manner hereinafter provided, to manufacture or refine saltpetre, or to separate or purify any salt which may be educed in the process of manufacturing or refining saltpetre, except under a license from the Local Government.

II. It shall not be lawful for any manufacturer of saltpetre, not being licensed to manufacture and refine saltpetre, and to separate and purify the salt educed in the process of the manufacture of saltpetre, to separate any salt from any earth or other substance yielding salt.

III. Every license granted under this Act shall have effect for one year from the date of such license, and shall contain the name of the proprietor of the manufactory or manufactory and refinery of saltpetre licensed, and of the locality of such manufactory or refinery.

VIII. Every manufactory of saltpetre in the North-Western Provinces licensed under this Act, and a space not exceeding one hundred yards around such manufactory if the manufactory be also a refinery of saltpetre, and not exceeding fifty yards if the manufactory be licensed for the manufacture of saltpetre only, to be fixed by the Local Government under Section III of Act XIV of 1843, shall be included in the Customs jurisdiction of the said provinces; and the provisions of the said Act XIV of 1843, and of Act XXXVI of 1855, shall apply to salt manufactured, separated, or purified contrary to the provisions of this Act, and to such Customs jurisdiction.

IX. In other parts of the British territories in India to which this Act shall be extended in the manner hereinafter provided, the powers conferred by the said Acts XIV of 1843 and XXXVI of 1855, on Collectors and other Officers of Customs and Police Officers respectively, may be exercised by the Magistrates and Police Officers (not being under the grade of a jemadar or head Officer of a Police-station) in their respective districts.

X. Local Government may frame rules which shall not be contrary to the provisions of this Act, for securing the duty payable on salt separated or purified under licenses, to manufacture and refine saltpetre, and to separate and purify salt educed in manufacturing and refining the same, for compositions under Sections VII of this Act, and for the removal of salt for which composition has been made, and otherwise to give effect to this Act. Such rules shall be published in the Official Gazette of such Local Government, and shall have the same force and effect as if they were contained in this Act.

XI. The provisions of this Act, wherever it may be in force, shall apply to the manufacture of russee, sujjee, and all other substances manufactured from saline earth, and of kharee noon, or Glauber's salt, and every other form of sulphate of soda, and to the works at which any such substance is manufactured.

XII. All forfeitures or penalties imposed under the authority of this Act shall be recoverable by any Magistrate of Police, or by the Magistrate or other Officer exercising the powers of a Magistrate as defined in the Code of Criminal Procedure, and may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named officers.

XIII. When any penalty is awarded for the breach of the conditions of any license under this Act, or against the holder of any license for any offence under this Act, the Local Government may cancel such license. The officer who convicts the offender may also, on the application of the Commissioner of Customs or of the Collector of Customs within whose jurisdiction the offence is committed, or other officer authorized in that behalf by the Local Government, order the works of such offender, at which such offence was committed, to be destroyed.

XIV. In case any penalty awarded under this Act shall not be forthwith paid, the officer by whom such penalty is awarded may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

XV. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattles whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such officer may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of such officer, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XVI. If the offender shall be a European British subject, the Magistrate shall record the facts and transmit such record to the District Court of the district wherein the offender is convicted, and the amount of the fine and costs (if any) shall be levied in the manner provided for the execution of decrees of the Civil Court.

XVIII. This Act shall take effect in the North-Western Provinces on the 1st day of December 1861, and may be extended to any other parts of the British territories in India, by an order of the Governor-General of India in Council to be published in the Official "Gazette."

Circular Order No. 15 *of* 1864.

Magistrates will furnish the Custom Authorities with a copy of the final judgment in cases of acquittal in prosecutions under Acts XIV of 1843 and XXXI of 1861 (Customs, Saltpetre, and Salt Laws) in which the reasons for acquittal will be recorded in the judgments under Section 429 of the Code of Criminal Procedure (Act XXV of 1861).

Oudh Book Circular No. XXX of 1872.

S. holds a license for the manufacture of saltpetre. His factory was inspected by the Customs officials, and edible salt (some three seers) found. The Assistant Commissioner discharged the accused on the ground that (1) the Customs officials were not authorized to search *S.'s* factory until the provisions of Section 1, Act XXXVI of 1855, had been fulfilled, and (2) that the quantity of salt found was less than five seers. The proceedings do not show the exact place where the salt was seized, whether it was in the factory, or in a dwelling-house, warehouse, or other enclosed place. If it was in the factory, the Assistant Commissioner's first reason for discharging the accused was wrong; but if it was in a dwelling-house, warehouse, or other enclosed place, it was right. This Court has already recorded thus in a

former case:—"There is a clear distinction between a factory licensed for the manufacture of saltpetre and a private dwelling-place. Under para. 20 of the North-Western Provinces Government Resolution No. 247A, dated 15th November 1861, all works licensed under Act XXXI of 1861 are open to inspection at any time, but it is clear from Section 8 of the Act that the Customs officers cannot search any house or enclosed place within the factory without fulfilling the requirements of Act XXXVI of 1855, for Section 8 declares that the provisions of Act XXXVI of 1855 shall apply to salt manufactured contrary to the provisions of the Act, and to the Customs jurisdiction created by the Act. The mere fact of the salt being stored at the factory would not authorize the Customs officers to search for and seize it if the salt were stored in a dwelling-house, warehouse, or other enclosed place. Before they can search a dwelling-house, &c., even within the Customs jurisdiction created by Section 8, Act XXXI of 1861, they must comply with the requirements of Section 1, Act XXXVI of 1855." (See p. 846.)

The Assistant Commissioner was undoubtedly mistaken in holding that the accused was not liable to punishment because the quantity of salt found was less than five seers. The prosecution was laid under Act XXXI of 1861, and not under Act XXXVI of 1855. The separation of any salt in the manufacture of saltpetre, by a person licensed only to manufacture saltpetre, renders the license-holder subject to the penalty provided by Section 6, Act XXXI of 1861.

Schedule of Offences punishable under Act XXXI of 1861.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Summons or Warrant to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
6	Any person manufacturing or refining saltpetre or separating or purifying any salt educed in the process of manufacturing or refining the same without a license under this Act; or being licensed only to manufacture saltpetre and separating any salt in the manufacture thereof; or being licensed to manufacture and refine saltpetre and (save where duty has been compounded for with Local Government) allowing any salt separated in the manufacture or refinement of saltpetre to be removed from the place of manufacture or refinery without the full amount of Government duty having been first paid on it.	Any person.	N. C.	S.	B.	Fine not exceeding Rs. 500, and imprisonment of either description not exceeding six months.	Magistrate of the 1st class.	For levy of fine, &c., see ss. 12—16.

OUDH AND CENTRAL PROVINCES CONTRABAND SALT.

ACT XIX OF 1862.

Extends to Oudh so much of Act XIV of 1843 as relates to the manufacture of alimentary salt and the prevention and punishment of its illicit manufacture and importation: extended to Central Provinces by Act VII of 1864.

Prescribes the following mode of searching zenanahs:—

"If the place to be searched is a zenanah or apartment in the actual occupancy of a woman who, according to the custom of the country, does not appear in public, the officer making the search shall give notice to such woman in such zenanah or apartment that she is at liberty to withdraw, and after giving such notice and allowing a reasonable time for the woman to withdraw, and affording her every reasonable facility for withdrawing, such officer may enter such zenanah or apartment for the purpose of completing the search, using at the same time every precaution consistent with these provisions for preventing the clandestine removal of any salt: Provided that the responsibility for the act, and the determination whether to force an entry or not, shall rest with the Officer of Customs or Land Revenue only."

EXCISE—CONSOLIDATED CUSTOMS ACT.

ACT VI OF 1863.

1. The words "British India" denote the territories that are or shall become vested in Her Majesty by the Statute 21 and 22 Vic., c. 106 (entitled "An Act for the better government of India"), except the Settlement of Prince of Wales' Island, Singapore, and Malacca.

2. The words "Local Government" denote the persons authorized to administer Executive Government in any part of British India; or the Chief Executive Officer of any part of British India; under the immediate administration of the Governor-General of India in Council, when such Chief Executive Officer shall, by an order of the Governor-General in Council, published in the Official Gazette, be authorized to exercise the powers vested by this Act in a Local Government.

3. The words "Chief Customs Authority of the Presidency or place," denote the persons authorized to exercise, under any Local Government, the chief control in the Department of Customs in any Presidency or place.

4. The words "Chief Officer of the Customs of the Port" denote the Executive Officer of highest rank in the Department of Customs in any Port.

5. The words "Officer in charge of the Custom-House" include every Officer of Customs who is for the time being authorized to have separate charge of a Custom-House.

6. The word "Magistrate" includes every officer exercising the powers of a Magistrate.

7. The words "Free Port" denote any port at which no duties of customs are leviable.

8. The words "Foreign Port" include any port situated beyond British India, and any free port.

9. The words "Foreign Goods" include all goods not produced or manufactured in British India.

10. The word "Vessel" includes any thing made for the conveyance by water of human beings or property.

11. The words "Coasting Vessel" denote any vessel plying between one port in British India, not being a free port, and another port in British India not being a free Port, without touching at any intermediate Foreign Port.

12. The words "Master or Commander" include every person, except a pilot, having command or charge of any vessel.

13. The word "Warehouse" denotes any place approved, appointed, or licensed for the keeping and securing of goods entered to be warehoused without payment of duty on the first entry thereof.

14. Words importing the singular number include the plural number, and words importing the plural number include the singular number.

15. Words importing the masculine gender include females.

General Rules.

IV. The Chief Customs Authority of any Presidency or place, with the sanction of the Local Government, may make and issue rules for regulating the practice and proceedings of officers in the Department of Sea Customs; and from time to time to add to, alter, or revoke such rules, or any of them: Provided that no rule so made shall be inconsistent with any provision of this Act, or of any other law for the time being in force. Any rules made under this Section shall be published in the Official Gazette.

V. Also rules for the landing and shipping of passengers' baggage and the passing of the same through the Custom-House, and for the landing, shipping, and clearing of parcels forwarded by Her Majesty's or other mails, or by other regular packets and passenger vessels.

CCI. Every person detained on the ground that he has been guilty of an offence under this or any other Act relating to the Customs, shall forthwith be taken before the nearest Magistrate or Officer in charge of a Custom-House.

CCII. When any person detained on the ground that he has been guilty of an offence against this or any other Act relating the Customs shall be taken before a Magistrate, such Magistrate may, if he see resonable cause, order such person to be detained in gaol or in the custody of the Police for such time as shall be necessary to enable such Magistrate to communicate with the officers of Customs: Provided that any person so detained shall be liberated on giving recognizance or security to the satisfaction of the Magistrate to appear at such time and place as shall be appointed by such Magistrate for his appearance.

CCIII. If any person liable to be detained under this or any other Act relating to the Customs, shall not be detained at the time of committing the offence for which he is so liable, or shall, after detention, make his escape, such person shall at any time afterwards be liable to be detained and taken before a Magistrate to be dealt with as if he had been detained at the time of committing such offence.

CCIV. When any person employed on the crew of any of Her Majesty's ships shall be detained under this or any other Act relating to the Customs, the detaining officer shall forthwith give notice thereof to the Commanding Officer of the ship, who shall thereupon place such person in security on board of such ship, until the detaining officer shall have obtained a warrant from a Magistrate for bringing up such person to be dealt with according to law. A Magistrate shall duly grant a warrant upon complaint made to him by the detaining officer, stating the offence for which the person is detained.

CCVI. When any goods liable to confiscation under this or any other Act relating to the Customs, shall be seized by any Police officer on suspicion that they had been stolen, it shall be lawful for such officer to carry such goods to any Police-station or Court at which a complaint or information connected with the stealing or receiving of such goods shall have been made, or enquiry connected with such stealing or receiving shall be in progress, and there to detain such goods until the dismissal of such complaint or information, or the conclusion of such enquiry or of any trial thence resulting. In every such case the Police officer who seized the goods shall send written notice of their seizure and detention to the nearest Custom-House; and immediately after the dismissal of the complaint or information, or the conclusion of the enquiry or trial, the said Police officer shall cause such goods to be conveyed to and deposited at the nearest Custom-House, to be there proceeded against according to law.

CCVIII. It shall be lawful for the Magistrate of a district or division of a district, on application by an officer in charge of a Custom-House, stating his belief that dutiable or prohibited goods are secreted in any place in such district or division, to issue a warrant to search for such goods. Such warrant shall be executed in the same way and shall have the same effect as a search-warrant issued under the Code of Criminal Procedure.

CCX. When any officer of Customs is about to search any person under the provisions of the last preceding section such person may require the said officer to take him, previous to search, before the nearest Magistrate or officer in charge of Custom-House. If such requisition be made, the officer of Customs may detain the person making it until he can bring him before the nearest Magistrate or officer in charge of a Custom-House. The Magistrate or officer in charge of a Custom-House before whom any person shall be so brought, shall, if he see no reasonable ground for search, forthwith discharge such person; but if otherwise, shall direct that the search be made. A female shall not be searched by any but a female.

CCXXI. The award of any confiscation, penalty, or increased rates of duty under this Act by an officer of Customs shall not interfere with any punishment to which the person affected thereby shall be liable under any other law.

CCXXII. All offences against this Act, other than those cognizable under Section CCXVIII of this Act by an officer in charge of a Custom-House, may be adjudicated in a summary manner by a Magistrate.

When an officer of Customs who has adjudged a penalty against any person under this Act, shall fail to realize the unpaid amount of such penalty from the goods of such person, it shall be lawful for such officer to notify in writing to any Magistrate within whose jurisdiction such person or any goods belonging to such person shall be, the name and residence of the said person and the amount of penalty unrecovered; and such Magistrate shall thereupon proceed to enforce payment of the said amount in like manner as if the penalty had been adjudged by himself.

CCXXV. When penalty or fine is adjudged against any person under this Act by a Magistrate, such Magistrate shall, at the same time, fix, within the following limits, a period of imprisonment in default of payment of such penalty or fine—

If the penalty or fine do not exceed fifty Rupees, the term of imprisonment to be fixed in default of payment shall not exceed one month.

If the penalty or fine do not exceed one hundred Rupees, the term of imprisonment to be fixed in default of payment shall not exceed two months.

If the penalty or fine do not exceed five hundred Rupees, the term of imprisonment to be fixed in default of payment shall not exceed four months.

When the penalty or fine exceeds five hundred Rupees, the term of imprisonment to be fixed in default of payment may extend to six months.

It shall be lawful for the Magistrate at any time to enforce payment of any penalty or fine, or of any portion thereof, by distress and sale of the goods of the defaulter.

CCXXVI. The imprisonment which is imposed in default of payment of fine or penalty under this or any other Act relating to the Customs, shall terminate whenever that fine or penalty is either paid or levied by process of law.

CCXXVII. If, before the expiration of the term of imprisonment fixed in default of payment, such a proportion of the fine or penalty be paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine or penalty still unpaid, the imprisonment shall terminate.

CCXXVIII. When the confiscation of any vessel, cart, or other means of conveyance, horse or other animal, or any goods shall be adjudged under Section CCXVIII or Section CCXIX of this Act, the property in such vessel, means of conveyance, animal or goods shall thereupon vest in Her Majesty. It shall be the duty of the officer adjudging confiscation to take and hold possession of the same, and it shall be the duty of every officer of Police, on the requisition of such officer, to assist him in taking and holding such possession.

Schedule of Offences punishable under Act VI of 1863.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
37	Pilot, Officer of Customs, or other person authorized to receive a Report or Manifest from any Master or Commander of a vessel, refusing to do so.	Any person.	N. C.	S.	B.	Penalty not exceeding Rs. 500.	Magistrate of the 1st class.	
84	Keeper of any public warehouse, or of any licensed private warehouse, neglecting to stow warehouse goods therein so that easy access may be had to every package or parcel thereof.	"	"	"	"	For every neglect penalty not exceeding Rs. 50.	"	
85	Keeper of any public warehouse, or of any licensed private warehouse, failing on the requisition of any officer of Customs to produce any goods which shall have been deposited in such warehouse, and which shall have been duly cleared and delivered therefrom.	"	"	"	"	For every such neglect, not only the duties due on such goods, but also penalty not exceeding Rs. 50 in respect of every package or parcel so missing or deficient.	"	

88	Holder of license of private* warehouse not opening the same when required so to do by any officer entitled under this Act or under any other law to have access thereto, or upon demand made by any such officer at any time within the hours of business at the Port, refusing access to any such officer.	"	"	"	"	Penalty not exceeding Rs. 1,000, and shall further be liable to have his license forthwith cancelled and withdrawn.	"	* The officer in charge of the CustomHouse, or any officer deputed by him for the purpose, shall have access to any private warehouse licensed under this Act.
91	Importer, owner, or consignee of any warehoused goods, or the agent of any person in the employ of such importer, owner, or consignee, clandestinely opening any warehouse, or, except in presence of the proper officer of Customs, gaining access to his goods.	"	"	"	"	Penalty not exceeding Rs. 1,000.	"	
100	Any person taking any goods out of any warehouse without payment of duty, or aiding, assisting or concerned therein.	"	"	"	"	Ditto	"	
125	Any person receiving boat-note under Section 125 and failing to deliver it, when required so to do by any officer of Customs authorized to make such requisition.	"	"	"	"	Penalty not exceeding Rs. 500.	"	

Schedule of Offences punishable under Act VI of 1863.—(Continued.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS
127	Pilot taking charge of any vessel proceeding to sea without its master or commander producing a Port Clearance, except when duly appointed by Master Attendant at any port or officer duly empowered.	Any person.	N. C.	S.	B.	Penalty not exceeding Rs. 1,000.	Magistrate of the 1st class.	
174	Any person not being authorized acting as an agent in any Custom-House.	"	"	"	"	Penalty not exceeding Rs. 500.	"	
177	Importer, exporter, owner or consignee, and every agent of such wilfully failing to deliver duplicate of the Bill of Entry or Shipping Bill when required by officer of Custom-House.	"	"	"	"	Penalty not exceeding Rs. 200.	"	
206	Police Officer, whose duty it is under Section 206 to send a written notice or cause goods to be conveyed to a Custom-House neglecting to do so.	"	"	"	"	Penalty not exceeding Rs. 100.	"	

211	Any officer of Customs requiring any person to be searched for dutiable or prohibited goods without having reasonable grounds to believe that he has such goods about his person.	"	"	"	"	Ditto	"	
212	Any officer of Customs or person duly employed for prevention of smuggling guilty of a wilful breach of this or any other Act relating to Customs.	"	"	"	"	Simple imprisonment not exceeding two years, or fine, or both.	"	
213	Any Customs officer, &c., as in Section 212, practising any fraud for the purpose of injuring the Customs revenue, or attempting, abetting, conniving at any such fraud, or any attempt of the same.	"	"	"	"	Imprisonment of either kind not exceeding two years, or fine, or both.	"	
215	Any person intentionally obstructing any officer of Customs or other person duly employed for the prevention of smuggling in the exercise of any powers given under this Act to such.	"	"	"	"	Imprisonment of either kind not exceeding six months, or fine not exceeding Rs. 1,000, or both.	"	
216	Any person knowingly making or signing any declaration or document used in the transaction of any business relating to the Customs, it being false in any particular; or any person counterfeiting, falsifying or fraudulently altering or destroying any such document, or any seal, signature, initials, or other mark	"	"	"	"	Penalty not exceeding Rs. 1,000.	"	

Schedule of Offences punishable under Act VI of 1863.—(Concluded.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
	made or impressed by any officer of Customs in the transaction of any business relating to the Customs; or any person required under this or any other Act relating to the Customs to produce any document, refusing or neglecting to produce such document; or any person required under this or any other Act relating to the Customs to answer any question put to him by an officer of Customs and not truly answering it.							
217	Any person subscribing or attesting any declaration of the value of any goods upon an application to pass such goods through the Custom-House, if he be not the importer, owner, or consignee of such goods, or have not proper and sufficient authority from such person.	Any person.	N. C.	S.	B.	Penalty not exceeding Rs. 1,000.	Magistrate of the 1st class.	

EXCISE DUTY ON ART CHEMICALS.

ACT XVI OF 1863.

Rules for ascertaining and determining that spirits to be removed have been rendered unfit for human consumption, &c.

II. The Board of Revenue, or other Authority specially authorised in that behalf by the Local Government, shall prescribe from time to time, subject to the approval of the Local Government, rules for ascertaining and determining that spirits proposed to be removed for the purposes aforesaid have been effectually and permanently rendered unfit for human consumption, as required by Section I of this Act; for causing such spirits to be so rendered, if necessary, by its own officers, at the expense of the person who wishes to remove them; and for fixing the value of the spirit on which the *ad valorem* duty shall be levied.

Such penalty, how to be levied.

V. Any penalty imposed under either of the last two preceding Sections may in case of non-payment be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of the officer by whom such penalty was imposed.

In case of non-payment of penalty, offender may be detained pending return to distress warrant.

VI. In case any such penalty shall not be forthwith paid, any such officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time, as shall be appointed for the return of the warrant of distress.

Imprisonment of offender in case of failure to recover penalty by distress.

VII. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such penalty could be levied if a warrant of distress were issued, any such officer may by warrant under his hand commit the offender to the Civil Gaol, there to be imprisoned, according to the discretion of such officer, for any term not exceeding two calendar months, when the amount of penalty shall not exceed fifty Rupees, and for any term not exceeding four calendar months, when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Confiscation in cases of conviction under Section III or IV.

IX. In every case of conviction under Section III or Section IV of this Act, the liquor or spirits with the cask or vessel containing the same, and the cart, boat, and animal or animals employed in carrying such liquor or spirit, shall be liable to confiscation.

Schedule of Offences punishable under Act XVI of 1863.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
3	Every person wilfully contravening any rule made by the Board of Revenue, &c., under S. 2.	Any person.	C.	S.	B.	Penalty not exceeding Rs. 500	Any Magistrate exercising the powers of a Magistrate.	See also Ss. 5, 6, 7, and 9.
4	Every person attempting or conniving at an attempt, to render fit for human consumption Spirits removed from a Distillery under the provisions of this Act, or	"	"	"	"	Penalty not exceeding Rs. 1,000	"	"
	being the possessor of such Spirits on which such attempt has been made, or which may have been rendered fit for human consumption.	"	"	"	"	Penalty not exceeding Rs. 500	"	"

SALT—NORTH-WESTERN PROVINCES, PUNJAB, OUDH, AND CENTRAL PROVINCES.

Act No. XXV of 1869.

Preamble.—Recites expediency of providing rules for manufacture, storing, and sale of alimentary salt in the North-Western Provinces, Punjab, Oudh, and Central Provinces, imposing duty, and making rules for its collection.

1. Empowers Local Government with sanction of Governor-General in Council to make rules for manufacture of salt, consistent with Act XIV of 1843, Act XXXVI of 1855, Act XIV of 1862, Act XIV of 1843, Act XXXVI of 1855, and Act VII of 1864.
2. Empowers Governor-General in Council to levy duty not exceeding specified rate.
3. Empowers Local Government with sanction, &c., to make rules for the collection of duty.

IV. All rules made under this Act shall be published in the local official Gazette, and shall thereupon have the force of law.

V. Whoever knowingly violates any such rule, and whoever abets, within the meaning of the Indian Penal Code, any person in violating any such rule, shall be punishable on conviction before a Magistrate with fine not exceeding five hundred rupees, or with imprisonment for any term not exceeding six months, or with both.

Provided that, in imposing penalties under this section, no Magistrate shall exceed the limits of jurisdiction prescribed for him by the Code of Criminal Procedure.

EXCISE ACT.

ACT X of 1871.

1. This Act may be called "The Excise Act, 1871."

It extends to the territories respectively under the government of the Lieutenant-Governors of the North-Western Provinces and the Punjab, and under the administration of the Chief Commissioners of Oudh, the Central Provinces, British Burma, and Coorg.

It shall come into force in the North-Western Provinces, the Punjab, Oudh, and the Central Provinces on the passing thereof, and in British Burma and Coorg on the first day of April 1872.

2. The Acts mentioned in the schedule hereto annexed are repealed.

3. In This Act,

"Chief Revenue Authority" means—

in the territories subject to the Lieutenant-Governor of the North-Western Provinces, the Board of Revenue; in the Punjáb and Oudh, the Financial Commissioner; and in the Central Provinces, British Burma, and Coorg, the Chief Commissioner.

"Collector" includes any Revenue Officer in independent charge of a district and a Superintendent of Abkári revenue.

"Magistrate" means any Magistrate exercising powers not less than those of a Subordinate Magistrate of the first class (*now 2nd class*).

"Country-spirit" means any spirit made by the native process of distillation.

"Intoxicating drugs" includes ganja, bhang, charas, opium, and every preparation and admixture of the same.

4. Nothing herein contained affects Act No. XVI of 1863.

III.—Sale of Spirits, Fermented Liquor, and Intoxicating Drugs.

14. Any sale of spirituous or fermented liquors as aforesaid, in less quantity than two imperial gallons or one dozen of quart bottles, shall be held to be a retail sale.

15. No person shall sell spirits manufactured by the native process, or tárí, or páchwaí, or any intoxicating drug, except under license from the Collector.

16. All the provisions relating to the sale or possession of fermented liquors contained in the following section apply to the sale or possession of tárí, whether in a fermented state or otherwise; and all tárí, both fresh and fermented, is included in the expression "fermented liquors," as used in the following sections.

17. Provided that the Local Government may suspend the operation of all the provisions relating to tárí contained in this Act, with respect to any district in which the consumption of tárí in a fermented state is inconsiderable; and thereupon tárí may be possessed and sold without license in such district notwithstanding anything contained in this Act.

18. Opium shall be supplied to licensed vendors from the Government stores in such manner and at such prices as the Chief Revenue Authority from time to time directs: and no other description of opium shall be sold by such vendors.

The Local Government may, from time to time, by order, exempt any district from the operation of this section.

19. Except for the supply of licensed vendors, or under a special order from such officer as the Local Government appoints in this behalf, country spirits, tárí and páchwaí, and intoxicating drugs shall not be sold in larger quantities than are hereunder specified—

country spirits, one seer;

tárí or páchwáí, four seers;

ganja or bhang, or any preparation or admixture thereof, one quarter of a seer;

charas or opium, or any preparation or admixture thereof, five tolas weight;

And the sale of any such quantity as is herein allowed shall be deemed to be a retail sale within the meaning of this Act.

20. No cultivator of the plants producing ganja or bhang shall sell any ganja or bhang to any one other than (*a*) a person licensed under section fifteen to sell the same, or (*b*) a person duly authorized to purchase the same by pass or license from the Collector.

27. When the duties leviable on any of the articles above enumerated are let in farm, the farmer shall be at liberty to make his own arrangements with the manufacturers and vendors within the limits of his farm;

and all the fines and forfeitures hereinafter prescribed, for the unlawful manufacture, sale, or possession of any such article, shall be incurred by all persons manufacturing, selling, or possessing the same without license or authority from the farmer.

42. Any Excise officer may enter and inspect at any time, by day or by night, the shop or premises in which any licensed manufacturer or retail vendor carries on the manufacture of country-spirits, or the sale of spirituous or fermented liquors, or intoxicating drugs.

43. Any Excise officer may stop and detain any person carrying any spirituous or fermented liquors or intoxicating drugs liable to confiscation under this Act;

and may seize the liquors or drugs with the vessels, packages, or coverings in which they are contained, and the animals and conveyances used in carrying them;

and may also arrest the person in whose possession such liquors or drugs are found (*a*).

44. Any Excise officer, above the rank of a jamadar of peons, may arrest any person having in his possession an unlicensed still, or any spirituous or fermented

liquors, or intoxcating drugs, liable to confiscation under this Act, or engaged in the lawful sale of spirituous or fermented liquors, or intoxicating drugs,

and may seize such still, with the materials for working it, and all such liquors and drugs (*a*).

45. Whenever any Excise officer, above the rank of a jamadar of peons, has reason to believe, from information given by any person, which information shall be taken down in writing, that spirits are unlawfully manufactured,

or that any spirituous or fermented liquors, or intoxicating drugs liable to confiscation under this Act, are kept or concealed in any house, boat, or other place,

such officer may, between sunrise and sunset (but always in the presence of an officer of Police not being under the grade of a jamadar), enter into any such house, boat, or place,

and in case of resistance may break open any door, and force and remove any other obstacle to such entry;

and may seize and carry away all stills and materials used in the manufacture of such spirits and all such liquors and drugs;

and may also arrest the occupier of the house, boat, or place with all other persons concerned in the manufacture of such spirits, or in the keeping and concealing of such liquors or drugs.

46. The powers of seizure, search, and arrest, given to Excise officers by the three last-preceding sections, may, in regard to the seizure and search for contraband opium and the arrest of persons found in possession thereof, be exercised also by the officers of the Police, Customs, and Revenue Departments according to their respective grades.

And the Local Government may confer on the officers of those departments, or of any of them, like powers with respect to the seizure of, and search for, spirituous and fermented liquors and intoxicating drugs of every description, and arrest of persons found in possession thereof.

All such officers when so empowered, as well as all Police, Customs, and Revenue Officers when acting under the authority conferred by this section for the suppression of illicit dealings in opium, shall be deemed to be Excise officers within the meaning of this Act (*a*).

(*a*). The Hon'ble the Lieutenant-Governor is pleased to invest all members of the Police Force of the North-Western Provinces, enrolled under Act V of 1861, with the powers of Excise officers as described in Section 43 of Act X of 1871, in respect of the seizure of spirituous and fermented liquors and intoxicating drugs, and in respect of the detention and arrest of persons found in possession thereof.

His Honor is also pleased to invest Head Constables in charge of Police stations and Police officers above the rank with the powers of Excise officers as described in Sections 44 and 45 of Act X in 1871, in respect of arrest, seizure, and search.

Police officers in Oudh, according to their respective grades, are invested with the powers of search and arrest, given to Abkaree officers under Sections 43, 44, 45 of the Act, in regard to the seizure and search for contraband opium, and the arrest of persons proved in the possession thereof. Pol. Circ. 2713 of 1871.

Under the provisions of Section 46 of the Excise Act (X of 1871), the Officiating Chief Commissioner is pleased to confer on officers of the Police Department, if not lower rank than Chief Constable, and on Revenue officers if not lower rank than Peskhar, the powers of seizure, search, and arrest given to Excise officers by Sections 43, 44, and 45 of the Excise Act, with respect to the seizure of and search for, spirituous and fermented liquors, and intoxicating drugs of every description, and the arrest of persons found in possession thereof. 4810 of 1878.

No. 4960 *of* 19*th December* 1871.

Oudh.

In continuation of Notification No. 4810, dated 4th instant, the Officiating Chief Commissioner is pleased, under the provisions of Section 46 of the Excise Act (X of 1871), to confer on all Police officers the powers of detention, seizure and arrest vested in Excise officers by Section 43 of the said Act.

47. Whenever an excise officer arrests any person,

or seizes any still, or any liquors or drugs liable to confiscation under this Act,

or enters any house, boat, or place for the purpose of searching for any such illicit articles,

he shall, within twenty-four hours thereafter, make a full report of all the particulars of such arrest, or seizure, or search, to his official superior, and unless acting under the warrant of the Collector, shall carry the person arrested, or the illicit article seized, with all convenient despatch, to the Magistrate for trial or adjudication.

48. The Collector may issue his warrant for the arrest of any person whom he has reason to believe, either from information in writing, or from the proceedings in any other case, to be engaged in the unlawful sale of spirituous or fermented liquors or intoxicating drugs, or to have in his possession any such liquors or drugs liable to confiscation under this Act.

49. The Collector may issue his warrant for the search of any house, boat, or place, in which, upon any of the grounds mentioned in the last preceding section, he has reason to believe that spirits are unlawfully manufactured, or that spirituous or fermented liquors or intoxicating drugs, liable to confiscation under this Act, are kept or concealed.

Such warrant may be executed by any officer above the rank of a jamadar of peons, at the time and in the manner prescribed in section forty-five.

Whenever the Collector thinks that the search should be made between sunset and sunrise on any particular day, he shall issue a warrant, specially authorizing the search to be so made. Such warrant may be executed by any officer above the rank of a jamadar of peons, in the manner prescribed in section forty-five, and shall cease to be in force at sunrise on the day next following.

50. Whenever any person is arrested, or any articles are seized under the warrant of a Collector, the Collector, after such inquiry as he thinks necessary, shall send the person arrested, or the articles seized, to the Magistrate, or shall order the immediate discharge of such person, or the release of such articles.

51. All Police officers are required to aid the Excise officers in the due execution of this Act, upon notice given, or request made by such officers.

66. Nothing in section sixty-five applies to the persons and circumstances hereinafter specified, namely :—

(*a*) Authorized opium cultivators having newly extracted opium in their possession during the usual period between the full growth of the poppy and the delivery of the produce to the opium agent.

(*b*) Travellers and visitants from foreign States or countries having in their possession any quantity of foreign opium not exceeding two seers, or, in British Burma, five tolas, the produce of such foreign states and countries, and intended for the private use of such travellers and visitants, or their attendants, and not for sale or barter.

(*c*) Dealers in horses travelling with strings of horses from beyond the limits of British India, and having in their possession opium, the produce of foreign States or countries, not exceeding in quantity the proportion of ten tolas weight for each horse.

If opium be found in the possession of any such traveller, visitant, or dealer in horses in excess of the quantities above specified, such excess shall be liable to confiscation; but the person in whose possession it may be found shall not be subject to any further penalty.

75. In all cases in which complaint or information is preferred to a Magistrate of offences committed against this Act, not being cases in which persons are sent in custody by a Collector or Excise officer, the Magistrate shall issue a summons requiring the attendance of the person accused.

The rules contained in the Code of Criminal Procedure, for the trial of cases before a Magistrate, and for appeal against orders passed by a Magistrate, shall apply to trials under this Act.

Provided that no complaint or information of an offence against this Act shall be admitted, unless it be preferred within six months after the commission of the offence to which the complaint or information refers.

76. Whenever any person is convicted of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty provided for such offence, to imprisonment for a term not exceeding six months.

A like punishment of imprisonment not exceeding six months shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

78. All things confiscated under this Act, except opium, shall be disposed of by the Collector by public sale.

Opium so confiscated shall be sent for examination to the Civil Surgeon of the station, and, if declared by him to be fit for use, shall be sent to the Government factories, or otherwise disposed of in such manner as the Chief Revenue Authority direct. If declared to be unfit for use, it shall be immediately destroyed.

79. One-half of all fines levied from persons convicted of the unlawful manufacture of spirits, or of the unlawful sale or possession of spirituous or fermented liquors or intoxicating drugs, and one-half of the proceeds from sale of all confiscated articles, except opium, and in the case of opium confiscated and declared by the Civil Surgeon to be fit for use, a reward of one rupee eight annas for each seer shall, upon adjudication of the case, be awarded to the officer or officers who apprehended the offender.

The other half of such fines and forfeitures, and the other half of the proceeds of sale, or in the case of opium as aforesaid, a reward of one rupee eight annas for each seer shall be given to the informer.

If in any case the fine or forfeiture is not realized, the Chief Revenue Authority may grant such reasonable reward, not exceeding two hundred rupees, as may seem fit; and such Authority may direct by general order what classes of Excise officers shall receive rewards, and what classes shall have no title to share therein.

80. All fines levied under this Act, the disposal of which is not specially provided for, shall belong to Government.

But the Chief Revenue Authority may appropriate any portion thereof, not exceeding one-half, for rewarding informers, or for compensating persons subjected to annoyance or injury by any proceedings under this Act.

81. Within the limits of any military cantonment, and within such distance from those limits as the Local Government in any case prescribes, no licenses for the manufacture of spirits, or for the sale of spirituous and fermented liquors, shall be granted, nor shall the duties leviable upon such spirits and liquors be let in farm, unless with the knowledge and consent of the Commanding Officer:

and upon his requisition any license which has been granted, either by the Collector or by a farmer, within such distance or limits, shall be immediately withdrawn.

82. In all other respects the foregoing provisions of this Act shall have effect within such limits or distance:

Provided that, when arrest or search is to be made within the limits of any cantonment, the Collector or other officer authorized under this Act to make arrest or search shall, whenever it may be practicable, give previous notice to the Commanding Officer, and in all other cases shall report the arrest or search to such Commanding Officer with as little delay as possible.

Provided also that nothing herein contained shall affect the provisions of Act No. XXII of 1864 *(to make provisions for the administration of Military Cantonments)*.

Schedule of Offences punishable under Act X of 1871.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	Remarks.
22	Any person found in possession of any spirituous liquors manufactured at any place in India beyond the limits of British India, and beyond such limits subject to this Act, without a pass from the Collector certifying the payment of the duty prescribed for proof-spirits in section twenty-one.	any excise officer.	Section 46.	Section 46.	B.	Fine not exceeding Rs. 200; and the liquors, together with the vessels containing the same, and the animals and conveyances used in carrying them, shall be liable to confiscation.	Magistrate of the second class.	
52	Constructing or working a distillery after the English method without a license from the Collector (*a*).				"	Fine not exceeding Rs. 1,000,	"	(*a*) All spirits manufactured at such distillery and all materials and implements collected for the purpose of such manufacture liable to confiscation.
53	Proprietor or Manager of a licensed distillery constructed and worked after the English method, omitting to furnish any notice or any statement or list required by the rules prescribed by the Chief Revenue Author-				"	Fine not exceeding Rs. 200, and if committed a second time with respect to the same distillery, Collector may withdraw license for working of such distillery.	"	

under this Act, see Section 76.

	ity under Section 6, or wilfully doing anything in contravention of such rules.	Collector or	See	See					
54	Removing or attempting to remove from any licensed distillery constructed and worked after the English method, any spirituous liquor upon which duty has not been paid or for duty on which a bond has not been executed (*b*).				"	Fine not exceeding Rs. 1,000.	For second conviction of same or any offence	"	(*b*) The liquors together with vessels containing the same, and carts, boats, and animals employed in carrying them liable to confiscation.
55	Whoever re-lands, or attempts to re-land, any spirituous liquors shipped for exportation, without a special pass from the Collector of Revenue at the place of exportation.				"	Fine not exceeding Rs. 500.		"	
56	Whoever constructs or works a brewery, or manufactures malt liquor, without a license.				"	Fine not exceeding Rs. 500.		"	
57	Every person licensed to manufacture country spirits, or to sell spirituous or fermented liquors, or intoxicating drugs, who fails to produce his license on the demand of any Excise officer, or who commits any act in breach of any of the conditions of his license not otherwise provided for in this Act.				"	Fine not exceeding Rs. 50.		"	

Schedule of Offences punishable under Act X of 1871.—(Continued.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or summons to issue.	Bailable or not.	Punishment.	By what Court triable.	Remarks.
58	Every licensed retail vendor, who sells any larger quantity of spirituous or fermented liquors, or intoxicating drugs, than is allowed to be sold by retail by this Act, and every licensed wholesale vendor who makes a retail sale (*a*).	any excise officer.	Section 46.	Section 46.	B.	Fine not exceeding Rs. 200 under this Act, see Section 76.	Magistrate of the second class.	(*a*) Nothing in this section shall be held to prohibit the grant to the same person of both wholesale and retail licenses subject to the provisions of this Act.
59	Every person licensed to sell spirituous or fermented liquors, or intoxicating drugs, who permits drunkenness, riot, or gaming in his shop, or permits persons of notoriously bad character to meet or remain therein, or receives any wearing apparel or other effects in barter for liquors or drugs.				"	Ditto. ...	"	

60	Conveying or attempting to convey any country spirits from distillery established under Section 7, without a pass, or exceeding the quantity for which a pass has been granted, or Introducing or attempting to introduce any country spirits manufactured at another place into the limits fixed for the comsumption of spirits manufactured at such distillery without a special pass from the Collector.	Collector or	See	See	"	Fine not exceeding Rs. 500	For second conviction of same or any offence	"	
61	Wilfully contravening any rule prescribed by the Chief Revenue Authority for the management of a distillery established as aforesaid otherwise than as provided for in Section 60.				"	Fine not exceeding Rs. 50		"	
62	Every person other than a licensed manufacturer manufacturing country spirits, or every such person (save one duly authorized to supply licensed vendors) selling any such liquors or drugs to any person other than licensed vendor (*b*).				"	Fine not exceeding Rs. 500 *See note on p.* 872.		"	(*b*) Nothing in this section, or in section twelve, applies to the sale by auction of any spirituous liquors, wines, or beer purchased by any person for his private useand disposed of, upon his quitting a station.

Schedule of Offences punishable under Act X of 1871.—(Continued.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	Remarks.
63	Every person other than licensed manufacturer or vendor, or person duly authorized to supply licensed vendors, having in his possession any larger quantity of country spirits, or tárí or pachwáí, or intoxicating drugs, except opium, than may legally be sold by retail sale under section 19, or who transports by land or by water, or has in his possession any spirituous liquors made at a distillery worked according to the English method, or any imported spirituous or fermented liquors in larger quantity than two gallons, without a pass from the Collector or other officer duly empowered in that behalf.	any Excise Officer.	Section 46.	Section 46.	B.	Fine not exceeding Rs. 200, the liquors and drugs, together with the vessels, packages, and coverings in which they are found, and the animals and conveyances used in carrying them, shall be liable to confiscation. Provided that nothing in this section extends to any spirituous liquors, wines, or beer, purchased by any person for his private use, and not for sale. The provisions of the two last preceding sections, so far as they relate to the sale and possession of fermented liquors, do not apply to the sale and possession of tárí, the produce of the date tree, when supplied or used for the manufacture of gur or molas-	Magistrate of the second class.	See for each section note in column 7, p. 870, and section 77, in column 7, p. 876.

		Collector or	See	See		ses; and the provisions of the said sections relating to the sale and possession of intoxicating drugs do not apply to the sale and possession of ganja or bhang by the cultivators of the plants which produce those drugs respectively.		
64	Every such (see column 7, section 63) cultivator selling ganja or bhang in breach of prohibition contained in section 20.				"	Fine not exceeding Rs. 500.	"	"
65	Every person other than licensed vendor having in his possession greater quantity of opium than 5 tolahs weight.				"	Fine not exceeding Rs. 500 unless the opium found in his possession exceeds the weight of thirty-one seers and a quarter, in which case the penalty may be increased at a rate not exceeding sixteen rupees the seer for all the opium so found in excess of that weight; and the opium, together with the vessels, packages, and coverings in which it is found, and the animals and conveyances used in carrying it shall be liable to confiscation. *See section* 66, *p* 866.	"	"

Schedule of Offences punishable under Act X of 1871.—(Continued.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	Remarks.
67	Every licensed vendor selling or offering for sale opium adulterated with any foreign substance not being a preparation or admixture of opium for the sale of which he has taken out a license or, except in Districts exempted from the operation of section 18, selling or having in possession any opium other than the opium supplied to him from the Government stores.	Collector or any Excise Officer.	Section 46.	Section 46.	B.	Fine not exceeding Rs. 500 and license held by him withdrawn, and the opium, together with the vessels or packages in which it is found, shall be seized and confiscated.	Magistrate of the second class.	See note in column 7, p. 870, and sec. 77 in column 7, p. 876.
68	Every proprietor, farmer, tehsildar, gomashta or other manager of land authorizing or conniving at the manufacture of country spirits or at the sale of spirituous or fermented liquors or intoxicating drugs by any unlicensed person.				"	Fine not exceeding Rs. 500.	"	"

69	Any Police officer without lawful excuse neglecting or refusing to assist as aforesaid (see Section 57), and every darogha or other officer in charge of a Police-station who on application made by an Excise officer under Section 45, fails to attend these arch himself, or to depute a subordinate officer not below the rank of a jemadar.	Any person.	See	See	"	Ditto.	"	"
70	Any person maliciously giving false information against any person as being engaged in the unlawful manufacture of spirits, or as selling or having in possession any spirituous or fermented liquors or intoxicating drugs in contravention of this Act, and so procuring such person to be arrested, or house, boat or place searched to the injury or annoyance of such person or any other person whatever *(a)*.				"	Fine not exceeding Rs. 500, or imprisonment for a term not exceeding six months, or both.	"	(*a*) Such fine or any part thereof may be paid to the person aggrieved.
71	Any Excise officer who, without reasonable ground of suspicion, searches or causes to be searched any house, boat, or other place, or vexatiously and unnecessarily seizes the moveable property of any person, on the pretence of seizing or searching for any				"	Fine not exceeding Rs. 500.	"	(*a*) See note (a) Section 70.

Schedule of Offences punishable under Act X of 1871.—(Continued.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	Remarks.
	spirituous liquors or intoxicating drugs liable to confiscation under this Act, or vexatiously and unnecessarily arrests any person, or commits any other excess not required for the execution of his duty *(a)*.							(*a*) See note (a), Section 70. See note in column 7, p. 870.
72	Any Excise officer neglecting to report the particulars of an arrest or search within 24 hours thereafter, or delays carrying to the Magistrate or Collector, as the case may be, any person arrested, or any illicit articles seized under this Act.				B.	Fine not exceeding Rs. 200.	Magistrate of the second class.	"
73	Any Excise officer unlawfully releasing or conniving at the escape of any person arrested under this Act, or conniving at the manufacture of spirits or the	person.	Section 46.	Section 46.	"	Fine not exceeding Rs. 500. *N.B.*—Every person imprisoned for an offence under Sections 59, 69, 70, 71, 72, or	"	"

sale of spirituous or fermented liquors or intoxicating drugs by any unlicensed person, or by any licensed person contrary to the terms of his license, or acting in a manner inconsistent with his duty, for the purpose of enabling any person to do any thing whereby any of the provisions of this Act may be evaded or broken, or the Excise Revenue defrauded; and any officer invested with local jurisdiction, authorizing or conniving at the establishment of any unlicensed shop for the sale of such liquors or drugs as aforesaid in any place subject to his control.	Any	See	See		73, shall be confined in the criminal jail, and every person imprisoned for an offence under any other Section shall be confined in the civil jail.		

NORTH-WESTERN PROVINCES.—POLICE CIRCULAR ON EXCISE.

15. In order to facilitate the maintenance of the law, and the prevention of illicit manufacture, and sale of spirits, a list of all licensed distilleries established, and of licensed wholesale and retail vendors belonging to each Police Circle or Station, should be formed, and hung up in the station house. The constables should know exactly the names of thevendors, the locality in which their shops are held, and the village in which a licensed distillery is established.

16. In cantonments it is usual to enter in licenses given to vendors specific precautionary conditions—*e. g.*, a condition, whereby liquor purchased is to be drunk on the premises only. Whenever this is the case, the terms of each such license should be well known to the Police of the station, that they may at once recognize any breach thereof.

17. It must be clearly understood by all European Officers, and by the Officers in charge of Stations, that no additional duty is to be imposed upon the Police in consequence of their having been vested with powers as Abkaree Officers under Act X of 1871. The effect of the Resolution of Government is merely to legalize arrest of offenders, or the detention and seizure of illicit spirits, or the seizure of, and search for illicit stills, &c. As officers of Police, they are paid agents of Government for the maintenance of the laws of the realm on every point, although more especially for the prevention and detection of crimes cognizable by them, and for the pursuit and apprehension of grave offenders. But the power of arrest of offenders against the Excise laws, or of seizure of illicit or contraband spirits or drugs, was not given to Police by the Police Act V of 1861, or by the Procedure. Still this power is necessary to enable them to perform their general duty of maintaining the Excise laws with effect, and is therefore given to Police by the Resolution of Government under the authority of the Act itself.

18. The Police will not, however, be taken off their proper duties, or be specially employed for the protection of the Excise; against this District Superintendents will carefully guard, because if so employed, the performance of their more legitimate duties (in which they are fully employed) would be impaired. But though not specially employed as Abkaree Officers, they are able and expected to prevent open infraction of the law, and the existence, for any time, of an illicit distillery, or of a shop kept by an unlicensed vendor, will be a proof of gross neglect on their part.

CUSTOMS DEPARTMENT. RELATION OF POLICE TO—

RULES.

I. The Police are to render immediate assistance in encounters with smugglers, whether called upon for assistance or no, or whether forcible resistance be actually occurring or anticipated only.

II. Under Act XXXVI of 1855, a Customs officer proceeding to make a search for contraband goods, must be attended by a Police officer. On a requisition being made for such attendance, the officer in charge of the station or outpost will, should the village be within his circle, proceed himself or depute one of his subordinates to accompany the Customs officer. If the village is not in his circle, he will, if possible, inform the Customs officer of the Police station to which it is attached.

III. The duty of the Police officer on such occasion is merely to witness the search, and to prevent forcible resistance. He is not to take part in making the search, but to observe the mode in which search is made and the results thereof.

IV. The Police are not to receive charge of, or take into their custody, persons accused of smuggling or breach of Customs laws, neither are they to forward such persons to the Courts of the Magistracy; but they are bound to give such assistance to the Customs officers as may be necessary for the secure custody of such persons, by giving the latter the use of the Police Lock-up, or by deputing constables in support of the Customs escort.

V. The Police are on no pretence to interfere with the customs officers in the execution of their duty. If the latter act illegally, or with unwarrantable violence, they are amenable to their officers for such misconduct.

VI. If customs officers are guilty of heinous offence, in which arrest is absolutely necessary to prevent escape, *e. g.*, of murder, robbery, &c., immediate intimation is to be given to the nearest patrol or other customs officer, that the requirements of the public service may be provided for.

VII. Service of all judicial process, warrant, or summons, will invariably be made through the patrol or Collector of Customs.

VIII. Customs patrols and officers are expected to give similar assistance to Police in protecting life and property on the customs line.

No. 152A of 1867.

NOTIFICATION.

Separate Revenue (Customs) Department.

Dated 9th October 1867.

I.—From and after the 1st October 1867, in all cases in which a less quantity than one seer illicitly-manufactured salt is seized, such seizure shall subject the makers thereof, or the proprietors of the works in which the salt has been made, to no penalty beyond the forfeiture of the salt, and refusal to renew the current license when its term expires.

II.—In all cases in which illicitly-manufactured salt to the amount of one seer and upwards is seized by any official below the grade of a Deputy Inspector, such official shall at once proceed with the salt so seized, and any persons concerned in the manufacture that he may have been able to arrest, and any independent witness to the seizure whose attendance he may be able to secure, to the nearest or most accessible tehseel or Police post. The senior officer present at such tehseel or Police post shall receive from the seizing official the salt so seized, and in the presence of the witnesses and accused shall, after weighing and recording the weight of each, take from each distinct kind or quality of salt seized (if there be more than one such kind or quality) two samples of not less than half a tola each, which he shall seal with the official seal of the tehseel or Police-station, and, after numbering them, deliver them to the official who made the seizure, recording at the same time a note on the present form of seizure which will be presented to him, specifying the total weight of each kind of salt seized according to the weighments made before him, and the corresponding numbers of the samples. The remainder of the salt shall be sealed up with the seals of the official who made the seizure, and the official seal of the tehseel or Police-station, and shall remain in the malkhana or other secure place in such tehseel or station till such time as a written order shall be sent by the Deputy Inspector of the circle, either for the destruction of the article seized, which shall be carried into effect by the officer presenting such request in the presence of some officer of the tehseel or thannah, and the same certified on the reverse of the order: or for the delivery of the same, or part thereof, as the case may be, to the bearer of the order for production in Court.

III.—In all cases in which the whole amount seized shall not exceed twenty seers, the whole amount shall be produced in Court, and in all cases in which more than twenty seers are seized, not less than twenty seers must be produced before the Magistrate, and in either case the salt so produced should bear intact the seals of the tehseel or Police-station and of the seizing official, or the absence of such seals, which with proper care can only occur in exceptional cases, be satisfactorily explained.

IV. Where a seizure is made by a Deputy Inspector in person, he may either follow the foregoing procedure, deputing one of his subordinate officials present at the seizure to take the salt to the tehseel or station and receive the samples, or he may himself on the spot take out and seal up the samples and the rest of the seizure with his own official seal. He may then either take the salt seized with him to

deposit where he considers it will be safest, or send it for deposit to the nearest or most accessible station or tehseel, to be there kept as in the previous case till further orders (which in every case he should be bound to issue within six weeks). If, however, the Deputy Inspector himself seals the salt, he must, in the event of the identity of the salt produced in Court being denied by the accused, be prepared to attend and prove the same in person.

EXTRADITION.

ACT XI OF 1872.

An Act to provide for the trial of offences committed in places beyond British India and for the Extradition of Criminals.

WHEREAS by treaty, capitulation, agreement, grant, usage, sufferance and other lawful means the Governor-General of India in Council has power and jurisdiction within divers places beyond the limits of British India; and whereas such power and jurisdiction have from time to time been delegated to Political Agents and others acting under the authority of the Governor-General in Council; and whereas doubts have arisen how far the exercise of such power and jurisdiction, and the delegation thereof, are controlled by and dependent on the laws of British India; and whereas it is expedient to remove such doubts, and to consolidate and amend the law relating to the exercise and delegation of such power and jurisdiction, and to offences committed by British subjects beyond the limits of British India, and to the extradition of criminals; It is enacted as follows:—

1. This Act may be called "The Foreign Jurisdiction and Extradition Act, 1872":

It extends to the whole of British India;

to all Native Indian subjects of Her Majesty without and beyond the Indian territories under the dominion of Her Majesty; and

to all European* British subjects within the dominions of Princes and States in India in alliance with Her Majesty;

and it shall come into force on the passing thereof.

3. In this Act the expression 'Political Agent' means and includes—

(1) the principal officer representing the British Indian Government in any territory or place beyond the limits of British India;

(2) any officer in British India appointed by the Governor-General in Council or the Governor in Council of the Presidency of Fort St. George or Bombay, to exercise all or any of the powers of a Political Agent under this Act for any place not forming part of British India;

'Native State' means,

in reference to Native Indian subjects of Her Majesty, all places without and beyond the Indian territories under the dominion of Her Majesty; and,

in reference to European British subjects, the dominions of Princes and States in India in alliance with Her Majesty.

POWERS OF BRITISH OFFICERS IN PLACES BEYOND BRITISH INDIA.

4. The Governor-General in Council may exercise any power or jurisdiction, which the Governor-General in Council now has, or may at any time hereafter have, within any country or place beyond the limits of British India; and may delegate the same, to any servant of the British Indian Government, in such manner and to such extent as to the Governor-General in Council from time to time seems fit.

5. A notification in the *Gazette of India* of the exercise by the Governor-General in Council of any such power or jurisdiction, and of the delegation thereof by him to any person or class of persons, and of the rules of procedure or other conditions to which such persons are to conform, and of the local area within which their powers are to be exercised, shall be conclusive proof in any Court of the truth of the matters stated in the notification.

* C. P. C., 71 s., n.

6. The Governor-General in Council may appoint any European British subject, either by name or by virtue of his office, in any such country or place to be a Justice of the Peace; and every such Justice of the Peace shall have all the powers conferred on Magistrates of the first class, who are Justices of the Peace and European British subjects, by any law for the time being in force in British India relating to Criminal Procedure. The Governor-General in Council may direct to what Court, having jurisdiction over European British subjects, any such Justice of the Peace is to commit for trial.

7. All Political Agents and all Justices of the Peace, heretofore appointed by the Governor-General in Council or the Governor in Council of the Presidency of Fort St. George or Bombay, in any such country or place as aforesaid, shall be deemed to be and to have been appointed, and to have and to have had jurisdiction under the provisions of this Act.

8. The law relating to offences and to Criminal Procedure, for the time being in force in British India shall, subject as to Procedure to such modifications as the Governor-General in Council from time to time directs, extend to all British subjects, European and Native, in Native States.

INQUIRIES IN BRITISH INDIA INTO CRIMES COMMITTED BY BRITISH SUBJECTS IN PLACES BEYOND BRITISH INDIA.

9. All British subjects, European and Native, in British India, may be dealt with, in respect of offences committed by them in any Native State, as if such offences had been committed in any place, within British India, in which any such subject may be or may be found:

Provided that no charge as to any such offence shall be inquired into in British India, unless the Political Agent, if there be such, for the territory, in which the offence is said to have been committed, certifies that, in his opinion, the charge is one which ought to be inquired into in British India:

Provided also that any proceedings taken against any person under this section, which would be a bar to subsequent proceedings against such person for the same offence if such offence had been committed in British India, shall be a bar against further proceedings against him, under this Act, in respect of the same offence in any Native State.

10. Whenever any such offence as is referred to in section nine is being inquired into or tried, the Local Government may, if it thinks fit, direct that copies of depositions made or exhibits produced before the Political Agent or a Judicial Officer in the State, in which such offence is alleged to have been committed, shall be received as evidence by the Court holding such inquiry or trial, in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.

EXTRADITION.

11. When an offence has been committed, or is supposed to have been committed, in any State against the law of such State by a person not being a European British subject, and such person escapes into, or is in British India, the Political Agent for such State may issue a warrant for his arrest and delivery at a place in such State, and to a person to be named in the warrant,

if such Political Agent thinks that the offence is one which ought to be inquired into in such State,

and if the act, said to have been done, would, if one in British India, have constituted an offence against any of the sections of the Indian Penal Code mentioned in the second schedule hereto, or under any other section of the said Code or any other law, which may, from time to time, be specified by the Governor-General in Council by a notification in the Gazette.

12. Such warrant may be directed to the Magistrate of any district, in which the accused person is believed to be; and shall be executed in the manner provided by the law for the time being in force with reference to the execution of warrants; and the accused person, when arrested, shall be forwarded to the place and delivered to the officer named in the warrant.

13. Such Political Agent may either dispose of the case himself, or may give over the person so forwarded, whether he be a Native Indian subject of Her Majesty or not, to be tried by the ordinary Courts of the State in which the offence was committed, if he is generally or specially directed to do so by the Governor-General in Council, or by the Governors in Council of the Presidency of Fort St. George or Bombay respectively.

14. Whenever a requisition is made to the Governor-General in Council or any Local Government by or by the authority of the persons for the time being administering the Executive Government of any part of the dominions of Her Majesty, or the territory of any Foreign Prince or State, that any person accused of having committed an offence in such dominions or territory, should be given up, the Governor-General in Council or such Local Government, as the case may be, may issue an order to any Magistrate, who would have had jurisdiction to inquire into the offence, if it had been committed within his local jurisdiction, directing him to inquire into the truth of such accusation.

The Magistrate so directed shall issue a summons or warrant for the arrest of such person, according as the offence named appears to be one for which a summons or warrant would ordinarily issue; and shall inquire into the truth of such accusation; and shall report thereon to the Government by which he was directed to hold the said inquiry. If, upon receipt of such report, such Government is of opinion that the accused person ought to be given up to the persons making such requisition, it may issue a warrant for the custody and removal of such accused person and for his delivery at a place and to a person to be named in the warrant.

The provisions of section ten shall apply to inquiries held under this section.

This section shall not affect the provisions of any law or treaty, for the time being in force, as to the extradition of offenders; but the procedure provided by any such law or treaty shall be followed in every case to which it applies (*a*).

(*a*) Some of these are given at the end of this Act.

15. The Governor-General in Council may make, and may from time to time alter, rules to provide for—

(1) the confinement, diet and prison discipline of British subjects, European or Native, imprisoned by Political Agents under this Act;

(2) the removal of accused persons under this Act, and their control and maintenance until such time as they are handed over to the persons named in the warrant, as entitled to receive them;

(3) and generally to carry out the purposes of this Act.

SCHEDULE II.

Sections of the Indian Penal Code referred to in Section II.

Sections 230 to 263, both inclusive; sections 299 to 304, both inclusive; sections 307, 310 and 311; sections 312 to 317, both inclusive; sections 323 to 333, both inclusive; sections 347 and 348; sections 360 to 373, both inclusive; sections 375 to 377, both inclusive; sections 378 to 414, both inclusive; sections 435 to 440, both inclusive; sections 443 to 446, both inclusive; sections 464 to 468, both inclusive; sections 471 to 477, both inclusive.

On this subject, the following Circulars have been issued by the High Court, N. W. P.:—

Extract from a letter from Resident of Nepal, to Secretary to the Government of India, in the Foreign Department, with the Governor-General,—(No. 7 of 1863), dated Nepal Residency, the 10th April 1863, paragraph 6.—Resident requests.

1*st*.—That all our subordinate officers along the border be directed to submit their applications, for the surrender of fugitive criminals through the chief civil functionaries of their several districts, who might be authorized either to transmit them to me, or if it be considered more advisable, to submit them, in the first instance, for the orders of their respective Governments as was lately done in the case of an application from the Magistrate of Tirhoot.

2nd.—That except in very peculiar and exceptional cases, which should invariably be referred to the Supreme Government, their applications be restricted to cases in which the accused parties are British subjects, and charged with one or other of the particular offences specified in the 4th Article of the Treaty.

3rd.—That their applications should be accompanied if possible by descriptive rolls of the accused parties, and by all the information connected with their supposed whereabouts in Nepal, that they may be able to furnish; and

4th.—I beg that they may be told to be prepared upon the seizure of the accused parties, either to enable me to submit to the Durbar evidence of their criminality as is stipulated in the last half of the 3rd Article of the Treaty, *or* to send witnesses, &c., to the Nepalese cutcherry where the prisoners may be confined (as is sometimes now done) and where the Nepalese officials would dispose of the case subject to the final orders of the Durbar.

Treaty between the Honorable East India Company and His Highness Maharajah Dheraj Soorinder Vikram Sah Bahadoor, Rajah of Nepal.

ARTICLE 1ST.

The two Governments hereby agree to act upon a system of strict reciprocity as hereinafter mentioned.

ARTICLE 2ND.

Neither Government shall be bound in any case to surrender any person not being a subject of the Government making the requisition.

ARTICLE 3RD.

Neither Government shall be bound to deliver up debtors, or civil offenders or any person charged with any offence not specified in Article 4.

ARTICLE 4TH.

Subject to the above limitations any person who shall be charged with having committed within the territories of the Government making the requisition, any of the undermentioned offences, and who shall be found within the territories of the other, shall be surrendered; the offences are, murder, attempt to murder, rape, maiming, thuggee, dacoity, highway robbery, poisoning, burglary and arson.

ARTICLE 5TH.

In no case shall either Government be bound to surrender any person accused of an offence, except upon requisition duly made by, or by the authority of, the Government within whose territories the offence shall be charged to have been committed, and also upon such evidence of criminality as according to the laws of the country in which the person accused shall be found, would justify his apprehension, and sustain the charge if the offence had been there committed.

ARTICLE 6TH.

If any person attached to the British Residency or living within the Residency boundaries, not being a subject of the Nepalese Government, commit in any part of the Nepalese territories beyond the Residency boundaries an offence which would render him liable to punishment by the Nepalese Courts, he shall be apprehended and made over to the British Resident for trial and punishment; but subjects of the Nepal State, under similar circumstances, are not to be given up by the Nepalese Government for punishment. Should any Hindoostanee merchant, or other subjects of the Hon'ble Company, not attached to the British Residency, who may be living within the Nepal territories commit any crimes beyond the Residency boundaries, whereby they may render themselves liable to punishment by the Nepalese Courts and take refuge within the limits of the Residency, they shall not be allowed an Asylum, but will be given up to the Nepal Government for trial and punishment.

ARTICLE 7TH.

The expenses of any apprehension, detention or surrender made in virtue of the foregoing stipulations, shall be borne and defrayed by the Government, making the requisition.

ARTICLE 8TH.

The above Treaty shall continue in force until either one, or the other of the High Contracting Parties shall give notice to the other of its wish to terminate it, and no longer.

ARTICLE 9TH.

Nothing herein contained shall be deemed to affect any Treaty now existing between the High Contracting Parties, except so far as any such Treaty may be repugnant hereto.

C. O. No. 15, *dated* 19*th May* 1866.

The Court publish the accompanying copies of extract, para. 3, of the Orders of the Government of India, in the Foreign Department, No. 499, dated 28th March 1866, and an extract from the *Punjab Government Gazette*, dated the 25th December 1858, containing the rules which from that date have been in force throughout the Hill States of the Punjab regarding the mutual surrender of criminals, the subjects of the British Government or of the Foreign States referred to, who may be accused of having committed certain heinous offences within the territories of Government or of the Foreign States, and to which Magistrates of districts adjacent to the Punjab Chiefships in which the internal jurisdiction rests with the Chief are hereby directed to conform :—

Paras. 1 *and* 2 *though given, are omitted as being merely formal, para.* 3 *runs thus :—*

3. Further, I am desired by His Excellency the Governor-General in Council to suggest that the Magistrates of districts adjacent to those Punjab Chiefships in which the internal jurisdiction rests with the Chief may be instructed to conform to these rules. In case of a Chief failing to comply with any requisition for a criminal's surrender which a Magistrate of the North-West Provinces might issue in accordance with these Rules, it would be the Magistrate's duty to make reference in the first instance to the Punjab Divisional Commissioner in charge of our political relations with such Chief, and ultimately, if necessary, to the Government of the Punjab.

Extract from the "Punjab Government Gazette," dated the 25*th December* 1858.

It is desirable that the same rules which are in force in accordance with the orders of Government in respect to the demand and surrender of offenders accused of heinous crimes between the British Government and the Foreign States would be made applicable to this State (Jummoo), so that the rule in this respect with regard to all the Foreign States may be uniform.

After examination of the office record, a list of heinous crimes, for which parties committing them may be demanded or surrendered by either State, in accordance with the undermentioned rules, is given below :—

1. Abduction of a female, whether married or unmarried, without her consent, attended with tumult or assault.
2. Affray.
3. Arson or incendiarism.
4. Assault, attended with violence and wounding, or the shedding of blood.
5. Burglary.
6. Counterfeiting coin.
7. Child-stealing.
8. Dacoity.
9. Forgery.
10. Homicide.

11. Convicts (under sentence of any of the crimes included in this category) escaped from prison.
12. Murder.
13. Administering poison.
14. Perjury.
15. Rape.
16. Highway robbery.
17. Selling females.
18. Thuggee.
19. Theft exceeding Rs. 50 in value.
20. Cattle theft.

Except the 20 classes of crimes above enumerated, persons accused of petty theft under Rs. 50 value, or fornication (*fel-i-shaneea*), or petty assault, or defaulters of revenue, or debtors in a civil case, and the like, will not be liable to be demanded or surrendered on the part of either Government. In such cases, the plaintiff being a resident of Jummoo territory, will have the option of prosecuting his claim either in British Courts or in the Courts of the Jummoo Government. In the latter case on the original proceedings of enquiry being forwarded by the Chief to a British Court, the claim of the prosecutor will be satisfied on its being substantiated in accordance with the established usage of the Court.

Rules for the apprehension, demand, and surrender of persons charged with heinous crimes, as enumerated below:—

Firstly.—Any person being a British subject having committed any crime of the class above enumerated in Jummoo territory, if apprehended in that territory, will be punishable by the Government of the country; and, in like manner, any subject of the Jummoo Government, if apprehended in British territory for a crime committed in that territory, will be punishable by British Courts.

But the Maharajah may (if he so choose) forward a subject of the British Government so circumstanced to a British Court, for trial and punishment.

Secondly.—If a subject of the Jummoo State should commit any crime of the classes enumerated above within British territory, or a subject of the British Government commit a crime in the Jummoo territory, and if the party, after committing such a crime, should escape to his home, then the British subject having committed crime in the Jummoo territory, if found in British territory, will not be liable to be demanded by the Jummoo Government. The Maharajah will, however, be at liberty to prosecute the party, through his servants, in British Court, which will award due punishment if the charge shall be proved after enquiry.

But the Jummoo subject who shall have escaped to that territory, and been traced there after having committed crime in British territory, will be liable to be sent to British Courts on being demanded by the British authorities.

Thirdly.—Subjects of either State who should escape into foreign territory after having committed any of the crimes above classified in their own territory, will be liable to be surrendered on being demanded by either Government: provided, however, that on demand being made on the British Government for the surrender of an offender of this class by the Maharajah, if the party accused shall have been residing in British territory for a period of less than six months, the officer presiding in the local British Court shall, before giving up the party, institute a summary enquiry to ascertain whether the accused be really guilty of the charge brought against him to any extent,—and, should the guilt be imputable to the prisoner, he will then be made over to the Jummoo authorities. But if the party so demanded by the Jummoo Government shall have resided in British territory for more than six months, he will not be liable to be surrendered to the Jummoo authorities, but will be liable to be prosecuted in British Court, and punished on the charge being proved against him.

Fourthly.—If on the occurrence of any crime in the Jummoo territory, tracks of the offender should be followed into British territory, it will be the duty of the servants of the Maharajah to inform the local Police officers, and to take steps through their medium for the apprehension of the delinquent. The Maharajah's

servants ought not to act independently of the British Police. The Police officers of the British Government should not, however, surrender to the Maharajah's officers any party who may be thus traced and apprehended without the permission of the District Court, whether he be a resident of Foreign or British territory. But it will be the duty of the Police to report immediately the circumstances to the British Court, and then to act as they may be directed.

Fifthly.—In like manner, if the track of any heinous crime committed within British territory should be pursued into the Jummoo territory by officers of the British Police, they ought to inform the local kardar, or thannahdar, and take steps for the apprehension of the delinquent through the Maharajah's Police. But British Police officers ought not to act independently of the local officers of the Jummoo State.

Dewan Joala Suhaie has detailed in his petition eight classes of criminals, each separately. Although his inquiries have been answered as above as a whole yet, to avoid any future doubt, a reply to each is recorded below, item by item :—

Classification of Criminals in the Petition of Dewan Joala Suhaie.	*Chief Commissioner's Remarks.*
1. A subject of the Maharajah commits murder in the Maharajah's territory, and afterwards escapes into British territory. 2. Ditto ditto escapes into British territory after wounding. 3. Ditto escapes into British territory after committing theft. 4. Abduction of the wife of a subject of the Maharajah by a person, who escapes with the woman into British territory. What steps are to be taken in cases of subjects of British Government committing any of the above crimes in Jummoo territory, if apprehended therein, or in case they should escape therefrom?	The crimes here classified have been included in the category of the 20 classes of crimes given above; and the rules regarding the parties accused of those crimes have been described in detail in paragraphs 1 to 6 of the rules above detailed It is not necessary to repeat them here.
5. Any party refusing to fulfil the promised betrothal of a daughter or sister escapes into British territory, taking along with him the daughter or sister.	In such a case, the party will not be surrendered to the Maharajah. But the aggrieved party might prosecute his claim in the British Court of the district where the defendant may be residing, and, on his claim being substantiated, such redress will be given to him as is usually awarded in such cases in British Courts.
6. Any person in the service of the Maharajah, from whom any sums are due to His Highness, flies into British territory.—What should be done in this case? 7. A person is sent to make purchases at Lahore, Umritsur or Jullunder, for which purpose he is supplied with money. But the man refuses to refund the money, and does not fulfil his commission.—What is to be done in such a case?	Both these queries are answered together. The orders contained in paragraph 5 of the Rules abovementioned will be applicable in this case,—*i. e.*, the party might be prosecuted in the District Court where he may be residing.

No. 844 OF 1868.

EXTRADITION TREATIES.

I.—SIROHI.

1*st*.—That any person, whether a British or foreign subject, committing a heinous offence in British territory and seeking shelter within the limits of the Sirohi State, shall be apprehended and delivered up by the latter Government to the former, on requisition in the usual manner.

2*nd*.—That any person, being a subject of Sirohi, committing a heinous offence within the limits of the Sirohi State and seeking asylum in British territory, will be apprehended and delivered up by the latter Government to the former, on requisition in the usual manner.

3*rd*.—That any person other than a Sirohi subject committing a heinous offence within the limits of the Sirohi State and seeking asylum in British territory, will be apprehended, and the case investigated by such Court as the British Government may direct. As a general rule, such cases will be tried by the Court of the Political Superintendent in whom the political supervision of Sirohi may be invested.

4*th*.—That in no case shall either Government be bound to surrender any person accused of a heinous offence except on requisition duly made by, or by the authority of, the Government within whose territories the offence shall be charged to have been committed, and also upon such evidence of criminality as, according to the laws of the country in which the person accused shall be found, would justify his apprehension and sustain the charge, if the offence had been there committed.

5*th*.—That the following offences be deemed as coming within the category of heinous offences:—

1. Murder.
2. Attempt to murder.
3. Culpable homicide under aggravating circumstances.
4. Thuggee.
5. Poisoning.
6. Rape.
7. Causing grievous hurt.
8. Child-stealing.
9. Selling females.
10. Dacoitee.
11. Robbery.
12. Burglary.
13. Cattle theft.
14. Arson.
15. Forgery.
16. Counterfeiting coin or uttering base coin.
17. Criminal breach of trust.
18. Criminal misappropriation of property.
19. Abetting the above offences.

6*th*.—The expenses of any apprehension, detention, or surrender, made in virtue of the foregoing stipulations, shall be borne and defrayed by the Government making the requisition.

II.—ULWUR.

III.—JHALLAWUR.

IV.—BHURTPORE.

The Treaties concluded with the abovementioned States are identical with the Sirohi Treaty.

CENTRAL PROVINCES GOVERNMENT.

Book Circular No. VI of 1871.

Police procedure in dealing with offenders escaped into British from Foreign Territory and vice versâ.

I. The utmost vigilance should be employed in bringing to light and reporting cases in which residents or officials of Foreign States commit offences, make reprisals, make unauthorized arrests, or otherwise transgress their authority in British territory.

II. The officials of Foreign States have no authority to make arrests in British territory. When they desire that such arrests should be made, they should be told to apply under the Extradition Act.

IV. The Police are not authorized to arrest in Foreign territory persons who have committed crimes in British territory, but they may pursue them into such territory, and call on the officials of the Foreign State for their arrest and surrender.

V. It should be distinctly understood that the Foreign States which border the Central Provinces are not Feudatories, and that Police Circular V of 27th May 1868 does not apply to these States. But the Police will do well to bear in mind the directions of that circular in regard to that necessity of a conciliatory, though firm demeanour in dealing with the officials of Foreign States.

Circular V of 1868.

1. The Police may pursue into, and may arrest in, a Feudatory State persons who have committed offences in British territory. In doing this they must ask the aid of the Feudatory officials, and must be careful not to give offence by the manner in which they perform the duty. A full report of all the circumstances, and of the aid afforded by the Feudatory, must be made in every such case in the station-house Roznamcha. In ordinary cases when the arrest is not emergent, it should be made through the Feudatory officials, and in such a case, the station-house chief constable who requires the arrest should send a requisition for it to those officials.

2. Feudatories or their agents when in want of Police aid may apply for it at the nearest Police post. It is not necessary for them to send an application to the District Superintendent.

3. Whenever a Feudatory, his agent or subject, lodges a complaint at a Police post that any person has committed in the Feudatory State an offence cognizable by the Police, and has taken refuge in British territory, the Police officer in charge of the post will receive and deal with the complaint precisely as if it had been made regarding a crime committed within the circle of the post: having satisfied himself that there is reasonable grounds for suspicion against the accused he will proceed against him as directed by the law; if he arrests him, he will transmit him to the sudder station with a full report, to be disposed of as the Magistrate of the district may direct. When stolen property is searched for and recovered on the requisition of a Feudatory or his agent, or his subject, it will be dealt with in the same way. All the proceedings of the Police officer in such cases, whether the complaint is entertained or not, and whether if entertained it is followed by an arrest or not, must be detailed in the station-house Roznamcha.

4. The Police will not execute or serve in British territory any warrant or summons issued by Feudatories. Should such be sent to them they must decline to receive them.

5. No person can be delivered up to a Feudatory by the Police without an order from the Magistrate of the district, to whom every requisition for the surrender of a prisoner or fugitive must be referred.

6. Feudatories or their agents have no authority to pursue or make arrests of criminals in British territory.

RULES TO BE OBSERVED IN THE MANAGEMENT OF IMPORTANT FAIRS IN THE NORTH-WESTERN PROVINCES.

1. Any fair at which it is computed that more than 100,000 persons will congregate, shall be considered an important fair.

Officer in charge of the Fair.

2. The Magistrate and Collector of the district in which the fair is held should be the officer in charge of the fair.

3. In the case of every important fair, the Magistrate of the district, or officer charged by him with the conduct of the fair, should communicate freely and confidentially with the Sanitary Commissioner of the North-Western Provinces, on all matters relating to the sanitation of the fair, and to the health of the people attending it, and should endeavour, by the utmost weight of his authority, to enforce the observance by the people assembled, of measures deemed essential to their protection from disease.

Medical Officer of the Fair.

7. The Civil Surgeon of the district, as medical officer of the fair, should ordinarily have charge of the hospitals of the fair, and visit them at least twice a day, affording all necessary professional aid both to those in hospital and to any who may be unable to be carried thither. At very important stations, as at Allahabad, Agra or Benares, the Civil Surgeon may, at his discretion, depute a medical officer of the rank at least of a Sub-Assistant Surgeon to act for him, and under his orders, as medical officer.

8. The medical officer should visit without delay any part of the fair where the Police have reported to him the outbreak of sickness or death arising from any cause. The sick should, if possible, be removed together with their families, if necessary, to the nearest available hospital.

10. The medical officer should, in communication with the officer in charge of the fair, appoint a Native doctor or compounder to each hospital in the fair, and furnish a supply of medicines and surgical instruments for hospital use at the fair.

"And the medical officer will be responsible for advising the Magistrate on any points of sanitation in connection with the fair, on which he may be consulted, or on which he may think proper to offer advice." N. W. P. Cir. 8 A of 1870.

Police at Fairs.

11. The Police Force should maintain a careful watch that the sanitary arrangements are fully carried out.

12. The Police should forbid the performance of the offices of nature in or near the fair, at any place not set aside for such purpose.

13. They should report to the medical officer of the fair the appearance of sickness in any part of the fair.

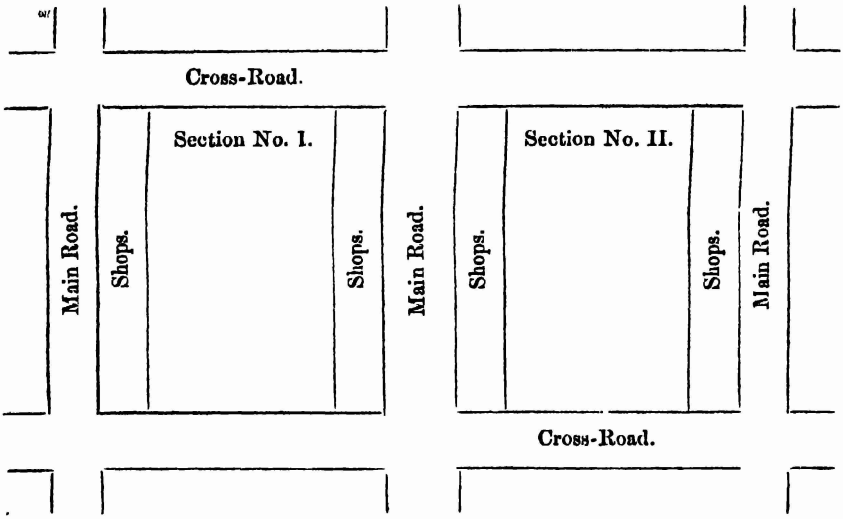
14. They should cause all persons sick of cholera, or small-pox, or any other serious disease, to be carried at once to the hospital set apart for such cases, and, if possible, prevent the approach to the fairs of any person affected by these diseases. Arms are not to be carried by license-holders, except with special permission. Cir. 28 of 1868.

Preliminary arrangements for Fairs.

15. Some time before the fair, the officer in charge should prepare a ground plan of the site of the fair, correctly drawn to scale. Upon this plan, the site should be divided by wide roads of communication, in such a way as may be most convenient for the purposes of the fair.

16. The land between the main roads should be divided by cross-roads, and the space between any two cross-roads should be considered as a section of the fair, and should, as far as possible, have its separate arrangements for the supply of food.

The following ground plan of two contiguous sections is given, in illustration of the preceding Rule:—



17. The site of the fair should then be divided in correspondence with the plan, the main roads, if possible, being permanently marked out by stones placed in line on each side of the road.

18. All jungle growths standing on the roads, or on the places set aside in each section for the camping of the people, should be cut down, and, if suitable, may be used to construct the latrine fences.

19. Whenever at any fair a very great assemblage of people may be expected, strong barricades should be erected across the roads of communication at such places as the Police authorities may determine.

The Management of the Fair.

20. The people, as they arrive, must be made to encamp in orderly arrangement on the vacant spaces between the roadways. No one may encamp on a roadway.

All District Superintendents to comply in future as far as lies in their power, with all requisitions made on them for Constabulary and Rural Police by Magistrates of districts on occasions of large fairs.

District Superintendents will entertain temporary substitutes in place of the men deputed on this special duty, and they will look to the Magistrates making the requisitions for the pay of these substitutes. Pol. Cir. Order 5028 of 1870.

21. Bunnias and sweetmeat-sellers' shops should be established in every division, in sufficient numbers to furnish a supply of food for the division. These shops should be located immediately at the sides of the main road, but not on the road.

Conservancy Arrangements in Fairs.

22. In the immediate outskirts of the fair, spaces should be set aside for conservancy purposes. These spaces should extend from end to end of the fair, at convenient distances, and should be not less than 30 yards square, every space being enclosed by a mat fence 6 feet high.

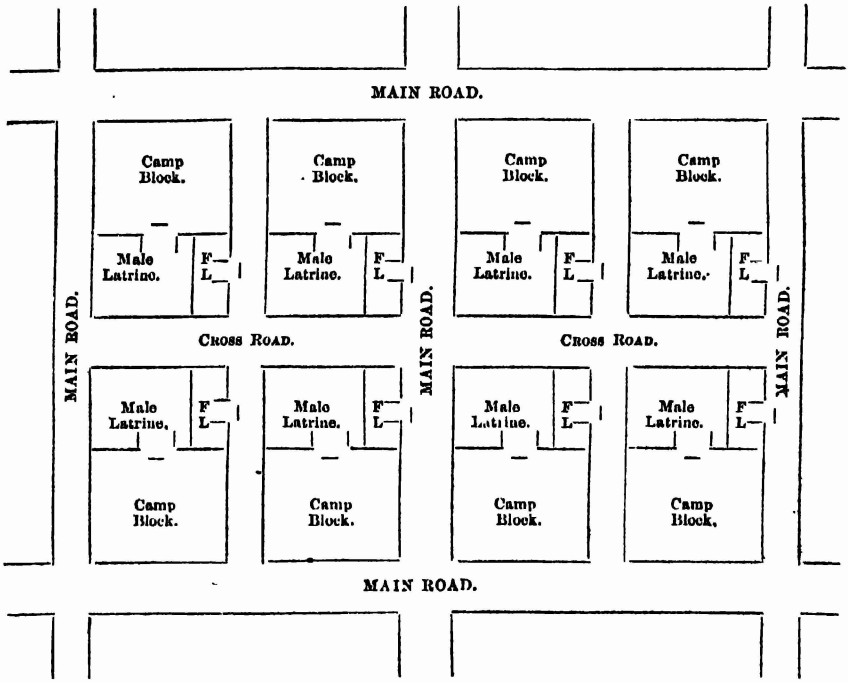
23. Immediately on the inside of the fence a trench should be provided, running all round the enclosed space, except at the entrance way. The trench should be 18 inches deep, and when a new trench is required, it should be dug on the inside of that just filled up.

24. Care should be taken that the margins of the trench are firm, and if the nature of the soil does not permit of this, the margins must be strengthened and preserved by means of good-sized stones placed in order along each margin of the trench or by rough pieces of wood laid down on each side of it, or by any other suitable means.

25. The spaces between the fenced enclosures, wherever jungle or crops exist, should be guarded by watchmen. Suitable spaces should be set apart for the use of women only.

26. The people should be required to frequent the trenches, and no other place, for the performance of the offices of nature within the fair boundaries, and a sufficient staff of sweepers should be employed to ensure that the enclosed spaces are kept in decent cleanly order, and that the contents of the trenches are, at frequent intervals, covered over with earth, so as to be completely hidden out of sight, and for this purpose every sweeper employed should be provided with a shovel.

27. Wherever the fair is of such extent as to cover many miles of ground, every section of the fair should be supplied with a separate fenced latrine space, and the site of the fair should then be arranged after the following ground plan. Trenches should in these latrine spaces be dug across the space from side to side, and at one end of the space an enclosure for women should be provided:—



28. Immediately after the termination of the fair, every trench should be filled up completely with earth, and any earth that may afterwards remain should be heaped

over the place where the trench was, so as to mark the position of the trench and prevent its being opened at any immediately succeeding fair.

22. Small separate trenches may be provided, if practicable, for native gentlemen and their families, who should be responsible for the cleanliness of the fenced space and for allowing the public sweepers to keep the trench in proper order.

30. Success in this matter will depend entirely on the way in which the sweepers attached to the trenches perform their duty. If proper cleanliness is maintained, and the trenches always kept easily approachable, the people will use them with comfort; if improperly kept, or in any way very offensive, the people will naturally avoid them, and the result will be that, as many as can, will frequent other places for the purpose. The trenches must be made acceptable to the people, by every possible endeavour, before a reasonable hope of their general use can be expected.

31. Behind, or near to, each latrine space, a pit should be provided for the reception of stable refuse and camp sweepings. If any animal should die in the fair, its body should be immediately carried out of the fair and buried. The slaughter or sacrifice of animals should be permitted at certain places only, and every part of the animal shall be carried out of the fair, as soon as possible, and the places set apart for this purpose should be carefully swept twice in the day, dry earth at the same time being plentifully sprinkled where blood may have been spilled. The sweepings of these places must be carefully buried under ground.

If, as part of a religious ceremony, it should be necessary to permit a dead person or the body of a dead animal to be placed in any stream running through or past the fair, it should only be allowed below the site of the fair.

Hospitals for Fairs.

32. At every fair of importance, at least two hospitals should be provided; one a general hospital and dispensary, and the other a hospital for contagious diseases.

33. The hospital should consist of a thatched roof, raised 6 feet off the ground by means of poles well set into the ground, and so bound together and strengthened by cross-poles as to be able to stand up safely against a strong wind; walls of jhamps or matting should be furnished on all four sides. The floor of the hospital should have a pathway, 6 feet wide along the centre, and be slightly raised for berths on each side.

34. The General Hospital should be 50 feet long and 20 feet broad, and the Contagious Diseases Hospital 30 feet long and 20 feet broad, and near to the latter a sufficient quantity of material should be stored to permit of the immediate erection of other hospitals for contagious diseases, if necessity should require their construction.

35. The General Hospital should be erected at any appropriate and convenient place near to the centre of the fair. The Contagious Diseases Hospital should stand near to, but outside, the fair, at any retired place where the hospital with its inmates may be readily cut off from communication with the people present at the fair.

36. A latrine should be furnished for every hospital. The hospital latrine should consist of a small detached structure of like kind to the hospital, and should be furnished with a sufficient number of shallow earthen pans for conservancy purposes. A box or other suitable vessel for containing dry earth should be furnished to each latrine, and stand inside of it, near to the pans.

37. The hospital and latrine standing in one enclosure should be surrounded by a light fence or bamboo railing about one yard high, and no stranger should be allowed inside the railing, or any patient outside the same, without the permission of the medical officer.

38. To every hospital, a native doctor, cook, sweeper, and bheestie, should be appointed, and the number of hospital servants may be increased where absolutely necessary by the medical officer.

39. The sweeper should especially attend to the latrine for the purpose of mixing dry earth with the contents of the latrine pans, and in removing the contents so mixed and deodorized, and burying them under ground.

40. Patients unable to leave their beds must be furnished with pans for use in the hospital, and the sweeper must pay the same attention to the contents of these pans as to the contents of the latrine pans; and more especially when patients, suffering from cholera or contagious fever, have to use the pans, the contents must be treated plentifully with dry earth, and then buried at some distance outside the fair. Matters vomited by cholera patients should be treated in the same way.

41. A supply of blankets must be furnished to every hospital, but patients should provide their own bedding.

42. Two large ghurras, with drinking water, should be supplied to every hospital.

Of Threatened Epidemic Diseases at Fairs.

43. If cases of cholera, small-pox, or contagious fever should appear at any fair, the people attacked with the disease should be removed without delay to the hospital set apart for contagious diseases, and there treated until the disease has proved fatal, or until convalescence has been established; for cholera is best treated in a separate and special place cut off from communication.

44. For the conveyance of such patients to hospital, a doolie (a charpoy carried on a pole and covered by a blanket) and bearers should be attached to every Police station in the fair. After the doolie has been once so used, it should be retained at the hospital, and a new doolie provided at the Police chowkee.

The clothes and bedding of every patient, who may die of the abovementioned diseases, should be burned as soon after his death as may be conveniently done.

The food of such patients, if paupers, may be supplied at the public cost.

Of Epidemic Cholera at Fairs.

45. If cholera should appear in an epidemic form at any fair, the officer in charge of the fair should immediately send a notice of the fact by telegraph, if possible, to the Magistrates of all surrounding districts and to the Government.

46. The officer in charge of the fair should then encourage the people assembled at the fair to disperse to their homes with the least possible delay.

47. In the event of such notice being received, the Magistrates in charge of surrounding districts will put in force such measures as may be necessary to prevent the passage of a numerous body of pilgrims through any large town or cantonment in their respective districts.

48. If the usual road of such pilgrims lies through any large town, the Magistrate should establish a commodious halting-place, with a good well, near to the most convenient way or road by which the pilgrims may pass on their outside the town, as directed by the Police Force detached for that duty. A plentiful supply of the ordinary articles of food will be sent out to the camping ground. Such of the pilgrims as belong to the town should be required to encamp there for one week before they can be permitted to enter the town, and then only in case of no appearance of the disease in the camp.

49. In the case of cholera appearing amongst the pilgrims so encamped, a hospital similar to a fair hospital should be established, and a native doctor despatched to the place with a supply of medicines, and the general body of pilgrims should be removed to another distant camping place, there to pass a second week in quarantine, paupers being supplied with a daily ration of food at the public expense.

Of Pilgrim Routes and Camping Grounds.

50. An encamping ground with a good well should, if possible, be provided at the Railway stations nearest to the fair.

51. From this encamping ground to the site of the fair, a pilgrims' route should be laid down, so as to avoid large towns, and camping grounds should be provided at proper distances, of a day's march apart, on the line of road.

52. The camping grounds should be laid out so as to accommodate, with orderly arrangement, as many men as possible. A plentiful supply of food should be provided, and fenced trenches for conservancy purposes should also be provided, and a party of Police be appointed to have charge of each camping ground.

53. A hospital space should be set aside at each camping ground, and no pilgrim sick of cholera, small-pox, or contagious fever, should be allowed to proceed with the pilgrims, but should be removed to the hospital space for medical treatment, and the pilgrim route should be immediately diverted from that camp into some other road, a new camping ground being provided, to which the coming pilgrims should be directed.

54. Two sweepers should be attached to each considerable camping ground to cover in the trenches after they have been used, to provide new trenches, and to carefully bury the excretions of patients encamped in the hospital space.

Similar arrangements should be enforced on all main lines frequented by travellers to the fair.

55. If cholera is known to be present as an epidemic in any place at the time of the fair, pilgrims from that place should not be permitted to go to the fair.

In the Punjab.

Daily reports of fairs and large gatherings to be sent in annexed form direct by District Superintendent of Police to the Inspector-General. At the same time a copy to be submitted to Deputy Commissioner, who, after making any reports he may think fit, will send it at once to the Deputy Inspector-General of Division. *Cir. Orders* 14 *and* 38 *of* 1872.

1	2	3	4	5
Object of Fair or gathering.	Average Number of Persons present.	Whether any thing noteworthy has occurred or is all going on quietly.	Remarks by Deputy Commissioner.	Remarks by Deputy Inspector-General.

The Oudh Manual directs that district officers should be asked to make arrangements for fairs and markets closing by sunset. One or two intelligent constables should be deputed to all fairs and they should be men acquainted with bad characters so as to be able to keep them under observation. When possible, the chief constable of a neighbouring station should attend all large fairs.

The Police should patrol the road and path leading from fairs on the appointed days. The lumberdars and chowkeedars should be called upon to look to the safety of all roads near their respective villages on market-days, and the chowkeedar should patrol the roads leading to the market for two or three hours after sunset.

Should a dacoity take place soon after a fair, the nearest taloukdars should be called upon to assist in tracking out the delinquents. In border cases the District Superintendents of contiguous districts in the North-Western Provinces should be informed, and chowkeedars and headmen at the bazaar held responsible for giving information about any bad character who frequented their bazaar on the day that the dacoity took place.

FANATICS *(Punjab.)*

ACT XXIII OF 1867.

An Act for the suppression of murderous outrages in certain districts of the Punjab.

I. Lieutenant-Governor empowered to extend this Act to any part of the Punjab, and also, from time to time, to withdraw from the operation of such provisions any part or parts of the said territories which he may previously have declared to be subject thereto, and in like manner, as occasion shall require, to subject the same part or parts again to the operation of the same provisions, or of any of them.

II. Any fanatic who shall murder, or who shall, within the meaning of the Indian Penal Code, Section 307, attempt to murder, any servant of the Queen or other person, shall, on conviction thereof, be punished either with death or with transportation for life, and all his property shall be forfeited to Government.

III. Every offence made punishable under this Act shall be deemed an offence within the meaning of the Indian Penal Code.

IV. Whenever any fanatic shall be killed in the act of committing any such offence as aforesaid, or being wounded and taken prisoner in the act of committing any such offence as aforesaid, shall afterwards die of his wounds, it shall be competent to the Commissioner who under the provisions hereinafter contained would have had cognizance of the offence, if the offender could have been brought to trial, to proceed to hold an inquest into the circumstances of the death of the offender, and on proof of his having been killed as aforesaid or of his having died of wounds received as aforesaid, to adjudge that the whole of his property shall be forfeited to Government and to dispose of his body as such Commissioner shall think fit.

V. Subject to the provisions contained in Section 14 of this Act, any offence triable under this Act shall be tried by the Commissioner of the Division in which it had been committed; and in respect of all such offences the Commissioner shall follow the procedure prescribed for a Magistrate by Sections 248 to 255 (both inclusive) of the Code of Criminal Procedure: provided that, if he shall be of opinion that any witness or evidence is offered for the purpose of vexation or delay or of defeating the ends of justice, he may require the accused person to satisfy him that there are reasonable grounds for believing that such witness or evidence is material; and if the Commissioner be not so satisfied, he shall not be bound to summon the witness or examine the evidence so offered.

VI. Trials under this Act before the Commissioner shall be conducted with the aid of two or more assessors as members of the Court. The Commissioner may appoint such persons (other than persons specified in Section 334 of the Code of Criminal Procedure) at such time and in such manner as he may think fit to serve as assessors, and no persons shall be exempt, within the meaning of Section 335 of the same code, from serving as such assessors. The provisions of the Code of Criminal Procedure shall, save as aforesaid, apply to assessors appointed under this section.

VII. When any trial under this Act is concluded, if the accused person be convicted, it shall be sufficient if the Court, in passing judgment and in recording the finding and sentence, shall specify the offence of which he is convicted, and the Court shall immediately issue a warrant to the officer in charge of the gaol in which the prisoner is confined to cause the sentence to be carried into execution, and such sentence shall be carried into execution accordingly. No sentence of death passed under this Act shall require confirmation by any Court.

VIII. When any person shall be sentenced to death under this Act, his body shall be disposed of as the Commissioner by whom he was so sentenced shall direct.

IX. The proceedings in every trial held under this Act shall be reported to the Lieutenant-Governor, without unnecessary delay, by the officer before whom such trial shall have been heard.

X. Nothwithstanding anything contained in the Code of Criminal Procedure or "The Punjab Chief Court Act, 1866," no appeal shall lie from any order or sentence under this Act.

XI. If any Commissioner in whom jurisdiction is vested by this Act shall be of opinion that the accused person has committed an offence punishable under the Indian Penal Code, but that such offence is not contemplated by the preamble to this Act, the offender shall be dealt with in the manner provided in such case by the Code of Criminal Procedure.

XII. The said Lieutenant-Governor shall have, with respect to the confinement of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in the Governor-General of India by any law regarding the confinement of persons charged with or suspected of State offences; and the provisions of any such law shall, *mutatis mutandis*, be applicable to all cases in which the Lieutenant-Governor shall proceed under the authority of this section.

XIII. Any person having the full powers of a Magistrate may cause any person against whom there are in his judgment grounds of proceeding under the last preceding section to be apprehended, and, after such enquiry as he may think necessary may detain such person in safe custody until he shall have received the orders of the said Lieutenant-Governor, to whom in all such cases he shall report his proceedings without unnecessary delay.

XIV. The jurisdiction conferred by this Act on a Commissioner may be exercised in the case of any offence punishable under this Act, by any person having the full powers of a Magistrate whom the Commissioner to whom he may be subordinate, or the said Lieutenant-Governor, shall, after the commission of such offence, specially invest with such jurisdiction.

XV. It shall be lawful for the said Lieutenant-Governor, either on his own motion, or at the request of the Chief Court of the Punjab, from time to time, to withdraw any class of cases from the operation of this Act.

XVI. With the previous consent of the Lieutenant-Governor, but not otherwise, the said Chief Court may, from time to time, make and issue Circular Orders for the guidance of officers in cases under this Act; provided that such orders are consistent with the provisions herein contained. All such orders shall be published in the Official Gazette, and shall be obeyed by the officers aforesaid.

XVII. The Act shall expire in ten years from the date of its passing (18th March 1867), or at such earlier date as the Governor-General in Council may order.

Schedule of Offences punishable under Act XXIII of 1867.

Section.	Offences.	By whom to be instituted.	Cognizable or not.	Warrant or summons to issue first.	Bailable or not.	Punishments.	By what Court triable.	REMARKS.
2	Any fanatic murdering or within the meaning of Section 307, P. C., attempting to murder any servant of the Queen or other person.	Any person.	C.	W.	N. B.	Death or transportation for life and forfeiture of all property.	Commissioner of Division.	This being an offence under the Penal Code, &c., its abetment, &c., is also an offence.

FERRIES.

REGULATION VI OF 1819.

II. The immediate superintendence of ferries vested in Magistrates and Joint Magistrates.

What ferries to be considered public ferries.

III. *First.*—No ferries shall be hereafter considered public ferries, except such as may be situated at or near the sudder stations of the several Magistrates or Joint Magistrates, or such as may intersect the chief military routes, or other much frequented roads, or such as from special considerations it may appear advisable to place under the more immediate management of the Magistrates and Joint Magistrates.

Magistrates, &c., interdicted from assuming charge of unassessed ferries unless specially authorized.

Second.—The Government reserves to itself the power of determining, from time to time, what ferries shall, under the preceding rule, be deemed public ferries, and as such shall be subject to the immediate control of the Magistrates and Joint Magistrates; and no Magistrate or Joint Magistrate shall, without previous authority from Government, assume the management of any ferry which may not have been let in farm or held khas, or otherwise subjected to assessment by the Collector, under the provisions of Regulation XIX of 1816.

Lists of proposed ferries to be submitted to Government.

Third.—It will be the duty of the several Magistrates and Joint Magistrates to prepare lists of the ferries which, in their judgment, should, under the foregoing rules, be considered to be public ferries, and transmit them, as soon as prepared, through the Superintendents of Police, for the information and orders of Government.

Magistrates, &c., to appoint persons to charge of ferries and to regulate the rates of toll, number of boats, &c.

IV. *First.*—The power of appointing proper persons to the charge of the public ferries is vested in the Magistrates and Joint Magistrates, who are authorized from time to time to issue such orders as they may judge expedient for limiting the rates of toll to be levied at each ferry, for regulating the number and description of boats to be maintained, for preventing exactions, and generally for promoting the efficiency of the Police, and the safety and convenience of the community.

In what cases manjees or others in charge of public ferries may be removed from their situations.

Second.—On proof of any wilful breach of those rules, or of other persons in charge of the public ferries, the Magistrates and Joint Magistrates are empowered (independently of any punishment to which the parties may subject themselves under the general Regulations) to remove such individuals and to appoint others in their room.

Specification of persons to be exempted from toll.

Third.—The manjees or other persons who may be vested with the charge of public ferries are to engage to cross free of toll the troops of Government, with their baggage and military stores, as well as all Police and other native officers of Government who may be actually employed on the public service.

Attested lists of public ferries to be struck up in the cutcherries and thannah.

V. A list of all public ferries, bearing the signature of the Magistrate or Joint Magistrate, shall be constantly struck up in some conspicuous place in their cutcherries, in that of the Collector of the District, and likewise in the thannah within the jurisdiction of which they may be situated.

Exclusive right to public ferries declared to belong to Government and all private ferries in their vicinity prohibited.

VI. *First.*—Such ferries shall exclusively belong to Government and no persons shall be allowed to employ a ferry-boat plying for hire at or in their immediate vicinity, without the previous sanction of the Magistrate or Joint Magistrate; provided, however, that due attention shall be paid to all claims for compensation which may be prepared by individuals, for

any loss which may be sustained by them, in consequence of the extension of the authority of Government to ferries hitherto under their private management, and which may not have been heretofore let in farm or held khas, or otherwise deemed subject to assessment on account of Government.

Second.—Claims of that nature shall be enquired into by the Magistrates and Joint Magistrates, and their opinions on the merits of each case shall be reported through the channel of the Superintendents of Police, for the consideration and orders of Government.

Such cases to be investigated and reported to Government.

VII. *First.*—In assuming the management of public ferries, the general object of the Magistrates and Joint Magistrates shall be, the maintenance of an efficient Police, the safety and convenience of travellers, the facility of commercial intercourse, and the expeditious transport of troops. For the above objects they shall be careful to provide or cause to be provided safe and commodious boats; they shall fix the rates of toll on a very moderate scale, in no case exceeding without an indispensable necessity, the rates which prevailed previous to the enactment of Regulation XIX of 1816; they shall adjust the modes of payment, so that the tolls may bear as lightly as possible on the proper classes of the community, and by leaving a fair profit to the individuals who may be chosen for the immediate charge of the ferries, they shall endeavour to secure as far as possible the services of respectable and competent persons.

Specification of objects to which the Magistrates and Joint Magistrates are to attend, in assuming charge of the public ferries.

Second.—No collections shall be taken on account of Government from the proceeds of any ferry, until the above objects are fully secured; and if in any case there shall remain a clear surplus profit, after providing adequately for those purposes, the amount collected shall be applied solely to the furtherance of similar objects; such as the repair or construction of roads, bridges, and drains, the erection of sarais, or other works of a like nature.

No collections to be made on account of Government until objects specified in above clause have been attained.

Surplus collections how to be appropriated.

Third.—In cases of the latter description, *viz.*, those in which the receipts of any ferry shall be sufficient to afford a surplus revenue as abovementioned, the Magistrate or Joint Magistrate, having previously received special authority from Government in that behalf, may and shall require the person holding or applying for the charge of the ferry, to enter into an engagement for the payment, by monthly or quarterly instalments of such a sum of money, as with reference to the estimated surplus, may appear justly demandable, without risking the primary objects above indicated; and if any person in charge of a ferry shall refuse to enter into an engagement as aforsaid, and shall not assign sufficient cause for such refusal to the satisfaction of the Magistrate or Joint Magistrate, it shall be competent to such officer to transfer the charge of the ferry to any other respectable and competent person: provided, however, that no person in charge of a ferry, who shall otherwise conduct himself to the Magistrate's satisfaction, shall be removed from his charge under the above rule, excepting at expiration of Bengal or Fussily year, according to the era current in the province.

Rule of proceeding in cases where a public ferry shall yield a surplus revenue. Persons in such cases to enter into an engagement for the payment of instalments.

How the Magistrate or Joint Magistrates is to proceed when the person shall refuse to enter into such an engagement.

Fourth.—The mode in which collections made under this section shall be paid, whether into the treasury of the Magistrate or Collector, or any other public officer, shall be determined by the orders of Government, and adjusted with the party by the Magistrate or Joint Magistrate, at the time of giving him charge of the ferry or ferries entrusted of him; provided, however, that, as a general rule, all persons in charge of ferries subject to the payment of a rent shall, on discharging any instalments, receive and be directed to require receipts for the amount which shall be countersigned by an European officer of Government.

The mode of paying the collection realized under this section to be adjusted under the orders of Government.

VIII. The Magistrate or Joint Magistrate shall be competent to take security for the good behaviour of persons vested with the charge of public ferries, and in the case of persons who may, under the provisions of the foregoing section, enter into an engagement for the payment of a yearly rent, it shall likewise be competent to the officers aforesaid to require adequate security for the punctual payment of the amount as it may become due.

Security for good behaviour to be given by persons in charge of public ferries, as well as for the punctual performance of engagements.

IX. Any person in charge of a public ferry, whether subject to the payment of rent or not, shall be at liberty to relinquish the charge on giving ten days' notice to the Magistrate or Joint Magistrate, and on paying any arrears that may be due: provided, however, that it shall in such case be competent to the Magistrates or Joint Magistrates to require any person who may so relinquish the charge of a ferry, or who may be removed from such charge, to transfer the boats belonging to the ferry to the person who may be appointed to succeed him, at a fair valuation, or to retain the boats until others can be provided, making a suitable compensation to the owner.

Persons to be allowed to relinquish charge of ferries on giving ten days' notice to Magistrate and on payment of arrears.

Proviso regarding transfer of boats.

X. If any person having charge of a ferry, and subjected to the payment of a yearly rent, shall fail to discharge the amount as it may become due, he shall be liable to immediate removal, and the Magistrate or Joint Magistrate, after ascertaining the arrear and certifying the default, will proceed to the recovery of the amount from the party and his surety, in the manner prescribed by* Section VII, Regulation XVIII of 1817, for the recovery of public money embezzled by native officers of the Civil and Criminal Courts; giving at the same time a liberal consideration to any pleas which the party may urge in explanation of the default.

How Magistrate, &c., is to proceed for recovery of rent of a public ferry from a defaulter.

XI. All persons vested with the charge of public ferries, whether paying any rent or not, shall, on accepting the situation, be distinctly apprised that the Magistrates and Joint Magistrates reserve to themselves the power of reducing the rates of toll, or extending the exemptions from the payment of it at such time and in such manner as shall appear proper, with a view to the public good: provided, however, that in the event of any such measures being adopted, the party in charge of the ferry may relinquish the charge, and the Magistrate shall in such case purchase from him at a fair valuation, or cause his successor so to purchase, all boats belonging to the ferry, with all articles thereunto appertaining.

Persons on receiving charge of public ferries are to be informed of discretion reserved to Magistrate for reducing tolls, or extending exemptions.

Proviso, in case a person may wish to relinquish charge.

XII. *First.*—Provided also that, whenever a Magistrate or Joint Magistrate shall adopt such measures, in regard to any ferry for which a rent shall have been required from the person vested with the charge of it, the said Magistrate or Joint Magistrate shall, in communication of his orders to the party aforesaid, at the same time, apprise him whether he designs to allow any and what reduction in the stipulated rent.

Further proviso in such cases.

Second.—If the person in charge of the ferry shall not be willing or able to pay the rent so fixed by the Magistrate or Joint Magistrate, he shall nevertheless immediately carry the Magistrate's or Joint Magistrate's order into effect, and shall state in his reply to those orders the amount of rent which he may be willing to continue to discharge. Should the offer of the party in charge of the ferry appear inadequate, it shall be competent to the Magistrate or Joint Magistrate to remove him and to place another person in charge of the ferry,

Case of a person unwilling to pay fixed rent of a ferry.

* This section has long since been repealed.

LIBRARY SECRETARIAT

purchasing the boats and their appurtenances as aforesaid; but the person so removed shall be required to pay, for the days during which he may retain charge, subsequently to the date of his reply to the Magistrate's order, a proportionate rent, calculated at such rate only as he may have tendered.

Magistrates prohibited from interfering with any other than public ferries except for purposes of Police, &c.

XIII. *First.*—The foregoing rules are intended to apply exclusively to those ferries which may be declared to be public ferries. With regard to all other ferries, the Magistrate and the Joint Magistrates shall not interfere with them further than may be necessary for the general maintenance of the Police, and for the safety of passengers and property.

Proviso, in cases where persons or property may suffer by boats being overloaded, or inadequately found.

Second.—Provided, however, that if any person shall be drowned or exposed to imminent danger, or if any property shall be lost or damaged by the oversetting or sinking of a ferry boat, and it shall be established, on inquiry before the Magistrate or Joint Magistrate, that the boat was overloaded with passengers or property, or was insufficiently manned, or was out of repair, at the time of the accident, the manjee of the ghat or boat, if duly convicted of permitting his boat to be overloaded, or to be insufficiently manned, or out of repair, shall be liable to such punishment as the Magistrate or Joint Magistrate may think proper to expose, not exceeding imprisonment for six months, or a fine of two hundred rupees.

Annual statements of public ferries made up to 1st January to be forwarded to Government.

What such statements are to contain.

XIV. An annual statement, made up to the 1st of January of each year, shall be forwarded by the several Magistrates and Joint Magistrates to the Superintendents of Police, exhibiting the number of public ferries in each district, the amount of the net assessment realized from such of them as may be subject to assessment, and the purposes to which the amount so realized may have been appropriated under Clause II, Section VII of this Regulation. In submitting to Government the results of those statements, the Superintendents of Police will offer any suggestions which may appear to them calculated to facilitate or to improve the practical operation of the system.

FINES.

The following late Circular on this subject has been issued by the Punjab Government. (C. O. V of 1872):—

An instance having been brought to notice where a mistake nearly occurred in repaying the amount of a fine ordered by an Appellate Court to be refunded to the accused person, with the view of obviating the possibility of similar mistakes in future, the Chief Court, with the sanction of His Honor the Lieutenant-Governor, has been pleased to prescribe the following revised form of certificate for refund of fine, in supersession of the form issued with Judicial Commissioner's Book Circular No. XVI of 1865.

2. It will be observed in the form now prescribed that in future, before the amount of the remitted fine or any portion of it can be repaid to the accused person, the exact amount realized from him and credited in the accounts of the Treasury must be ascertained and certified by the head clerk of the Deputy Commissioner's office, and the certificate must be passed for payment by the officer in charge of the treasury to which it is presented for that purpose.

For Lower Bengal Rules about Fines, see "Registers."

COUNTERFOIL.

CERTIFICATE No. , CASE No. OF 187 .

Side

. Prosecutor,

versus

Accused,

Charge

Fine imposed by

District of

Division

On the of 187 .

Amount of fine, Rs.

Amount of fine refunded, Rs.

Reason of refund

Date of order directing refund

IN THE COURT OF COMMISSIONER OF

CERTIFICATE FOR REFUND OF FINE, No.

Case No. *of* 187 .

To the Deputy Commissioner of

Whereas, the fine of Rupees to which the accused, in the case of *versus* , charged under Section , was sentenced by in the District of , in the Division of , on the of 187 , has this day been remitted:

You are hereby directed to pay to , or Agent, the sum of Rupees , or such portion thereof as has been realized.

Dated 187 . } Prepared by *Head Clerk.* } *Commr.*

Certified that Rupees , being [*the whole or portion as the case may be*] of the fine to which the accused in the above case was sentenced, was credited to Government, on the of 187 , in the accounts of this treasury, and is included in the aggregate credit of Rupees .

Dated 187 . } *Head Clerk.* } Pay Rupees *Officer in charge of the Treasury.*

FIRE.

POLICE CIRCULAR No. 18 OF 1870, N. W. PROVINCES.

Rules regarding Duties of Police on Occurrences of Fire. Protection of Property rescued from, &c.

Rule I.—On all occasions of the occurrence of fire, the Police ordered to the scene should be marched thither in a body, and should not go individually.

Rule II.—A certain proportion of the Police available will be told off to keep order in the crowd, and the remainder will be told off as a fatigue-party to assist in extinguishing the fire.

Rule III.—The senior Police officer on the spot will select a place where all property rescued from the flames should be deposited, and he will make proper arrangements for the protection of property so rescued, and to prevent any person but the owner of such property from removing it.

Central Provinces Circular.

1. When the report of a fire is received by a District Superintendent, he will at once communicate it to his Deputy Commissioner; and when 200 houses or more have been destroyed in any one conflagration, a special report giving the particulars of the origin and progress of the fire, the extent of loss it has occasioned, and the amount of assistance afforded by the Police in extinguishing it, must be sent direct to the Inspector-General for the information of the Chief Commissioner.

2. When going about in their districts, District Superintendents should take every opportunity to impress upon malgoozars and others the advantages to be derived from the substitution of tiles for grass for roofing for their houses.

FOREIGNERS.

ACT No. III OF 1864.

Whereas it is expedient to make provision to enable the Government to prevent the subjects of Foreign States from residing or sojourning in British India, or from passing through or travelling therein, without the consent of the Government, it is enacted as follows:

The words "British India" shall denote the territories which are or may become vested in Her Majesty by the Statute 21 and 22 Victoria, Chap. 106, entitled "An Act for the better Government of India."

The words "Local Government" shall denote the persons authorized to administer the Executive Government in any part of British India, or the Chief Executive Officer of any part of British India under the immediate administration of the Governor-General of India in Council, when such Chief Executive Officer shall, by an order of the Governor-General of India in Council published in the Gazette of India, be authorized to exercise the powers vested by this Act in a Local Government.

The word "Foreigner" shall denote a person, not being either a natural-born subject of Her Majesty within the meaning of the Statute 3 and 4 William IV. Chap. LXXXV, Sect. 81, or a Native of British India.

The words "the Magistrate of the District" shall denote the Chief Officer charged with the Executive administration of a District and exercising the powers of a Magistrate, by whatever designation the Chief Officer charged with the Executive administration is styled, or, in the absence of such officer from the station at which his Court is usually held, the senior officer at the station exercising the powers of a Magistrate as defined in the Code of Criminal Procedure.

Note.—This definition no longer exists, but the Magistrate here alluded to is that now known as a Magistrate of the first class.

The word "Vessel" shall include anything made for the conveyance by water of human beings or property.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

II. If a question shall arise whether any person alleged to be a foreigner and to be subject to the provisions of this Act is a foreigner or not, or is or is not subject to the provisions of this Act, the *onus* of proving that such person is not a foreigner, or is not subject to the provisions of this Act, shall lie upon such person.

III. The Governor-General of India in Council may, by writing, order any foreigner to remove himself from British India or to remove himself therefrom by a particular route to be specified in the order; and any Local Government may, by writing, make the like order with reference to any foreigner within the jurisdiction of such Government.

IV. If any foreigner ordered to remove himself from British India, or ordered to remove himself therefrom by a particular route, shall neglect or refuse so to do; or if any foreigner, having removed himself from British India in consequence of an order issued under any of the provisions of this Act, or having been removed from British India under any of the said provisions, shall wilfully return thereto without a license in writing granted by the Governor-General of India in Council or by the Local Government under whose order he shall have removed himself or been removed, such foreigner may be apprehended and detained in safe custody, until he shall be discharged therefrom by order of the Governor-General of India in Council, or of the Local Government within whose jurisdiction he shall be so apprehended or detained, upon such terms and conditions as the said Governor-General of India in Council or Local Government shall deem sufficient for the peace and security of British India, and of the Allies of Her Majesty, and of the neighbouring Princes and States.

Every foreigner on arriving in any part of British India in which all the provisions of this Act are for the time being in force under an order issued as provided in the last preceding section, from any port or place not within British India, or from any port or place within British India where all the provisions of this Act are not in force, shall, if he arrive at a Presidency town, forthwith report himself to the Commissioner of Police of such town, or, if he arrive at any other place, then he shall forthwith report himself to the Magistrate of the District, or to such other officer as shall be appointed to receive such reports, by the Governor-General of India in Council, or by Local Government of such place.

VII. The report shall be in writing, and shall be signed by the person reporting himself, and shall specify his name, or names, the nation to which he belongs, the place from which he shall have come, the place or places of his destination, the object of his pursuit, and the date of his arrival in such Presidency town, or other place. The report shall be recorded by the officer to whom it is made.

VIII. The provisions of the last two preceding sections shall not extend to any person being the Master or Commander of a vessel or employed therein, but if any such person shall be in any part of British India in which all the provisions of this Act are for the time being in force, after he shall have ceased to be actually employed in a vessel, he shall forthwith report himself in manner aforesaid.

IX. If any foreigner shall neglect to report himself as required by this Act, he may be dealt with in the manner hereinafter provided in respect of foreigners travelling without a license.

X. No foreigner shall travel in or pass through any part of British India in which all the provisons of this Act are for the time being in force without a license.

XI. Licenses under this Act may be granted by the Governor-General of India in Council, or by any of the Local Governments, under the signature of a Secretary to the Government of India, or to such Local Government, as the case may be, or by such other officers as shall be specially authorized to grant licenses by the Governor-General of India in Council, or by any of the Local Governments.

XII. Every such license shall state the name of the person to whom the license is granted, the nation to which he belongs, the district or districts through which he is authorized to pass or the limits within which he is authorized to travel, and the period (if any) during which the license is intended to have effect.

XIII. The license may be granted subject to such conditions as the Governor-General of India in Council or the Local Government may direct, or as the officer granting the license may deem necessary. Any license may be revoked at any time by the Governor-General of India in Council, or by the Local Government of any part of British India in which all the provisions of this Act are for the time being in force and in which the foreigner holding the same may be, or by the officer who granted the license.

XIV. If any foreigner travel in or attempt to pass through any part of British India without such license as aforesaid or beyond the districts or limits mentioned therein, or after such license shall have been revoked, or shall violate any of the conditions therein specified, he may be apprehended without warrant by any officer exercising any of the powers of a Magistrate, or by any European Commissioned Officer in the service of Her Majesty, or by any member of a volunteer corps enrolled by authority of Government whilst on duty, or by any Police officer.

XV. If any person be apprehended by a person not exercising any of the powers of a Magistrate and not being a Police officer, he shall be delivered over as soon as possible to a Police officer, and forthwith carried before the Magistrate of the District. Whenever any person shall be apprehended by or taken before the Magistrate of the District, such Magistrate shall immediately report the case to the Local Government to which he is subordinate, and shall cause the person brought before him to be discharged, or to be conveyed to one of the Presidency towns, or pending the orders of such Government to be detained.

XVI. Any person apprehended or detained under the provisions of this Act, may be admitted to bail by the Magistrate of the District, or by any officer authorized to grant licenses, and shall be put to as little inconvenience as possible during his detention in custody.

XVII. The Local Government of any part of British India in which all the provisions of this Act are for the time being in force may order any person apprehended or detained under the provisions of this Act to remove himself from any such part of British India by sea or by such other route as the said Local Government may direct; or the said Local Government may cause him to be removed from such part of British India by such route and in such manner as to such Local Government shall seem fit. The Governor-General of India in Council may exercise all the powers given by this section to any Local Government.

XVIII. The Governor-General of India in Council may by order prohibit any person or any class of persons not being natural-born subjects of Her Majesty within the meaning of the Statute 3 and 4 William IV, Chap. LXXXV, Sect. 81, from travelling in or passing through any part of British India in which all the provisions of this Act may for the time being be in force, and from passing from any part thereof to another without a license to be granted by such officer or officers as shall be specified in the order: and if any person so prohibited shall wilfully disobey such order, he may be apprehended without warrant by any of the officers specified in Section XIV of this Act, and carried before the Magistrate of the District, and dealt with under the provisions of Section XVII, in the same manner as if he were a foreigner; and the Governor-General of India in Council may order such person to be detained in safe custody and under the surveillance of the Police so long as it may be deemed necessary for the peace and security of British India or any part thereof.

XIX. The Local Government of any Presidency or place in which all the provisions of this Act may for the time being be in force, may by order prohibit any person or any class of persons not being natural-born subjects of Her Majesty within the meaning of the Statute 3 and 4 William IV, Chap. LXXXV, Sect. 81, from travelling in or passing through such Presidency or place or any part thereof, and from passing from any part thereof to another, without a license to be granted by such officer or officers as shall be specified in the order; and if any person so prohibited shall wilfully disobey such order, he may be apprehended without warrant by any of the officers specified in Section XIV of this Act, and carried before the Magistrate of the District, and dealt with under the provisions of Section XVII in the same manner as if he were a foreigner; and the Local Government may order such

person to be detained in safe custody or under the surveillance of the Police so long as it may be deemed necessary for the peace and security of British India or any part thereof.

XX. It shall be lawful for the Commissioner of Police, or for the Magistrate of the District, or for any officer appointed to receive reports as mentioned in the sixth Section of this Act, or for any Police officer under the authority of such Commissioner or Magistrate, to enter any vessel in any port or place within British India in which all the provisions of this Act may for the time being be in force, in order to ascertain whether any foreigner bound to report his arrival under the said Section VI of this Act is on board of such vessel; and it shall be lawful for such Commissioner of Police, Magistrate, or other officer as aforesaid, to adopt such means as may be reasonably necessary for that purpose; and the Master or Commander of such vessel shall also, before any of the passengers are allowed to disembark, if he shall be required so to do by such Commissioner of Police, Magistrate, or other officer as aforesaid, deliver to him a list in writing of the passengers on board, specifying the ports or places at which they embarked, and the ports or places of their disembarkation or intended disembarkation, and answer to the best of his knowledge all such questions touching the passengers on board the said vessel, or touching those who may have disembarked in any part of British India, as shall be put to him by the Commissioner of Police, Magistrate, or other officer as aforesaid. If any foreigner on board such vessel in any part of British India shall refuse to give an account of his objects of pursuit in India, or if his account thereof shall not be satisfactory, the officer may refuse to allow him to disembark, or he may be dealt with in the same manner as a foreigner travelling in British India without a license.

XXI. If the Master or Commander of a vessel shall wilfully give a false answer to any question which by Section XX of this Act he is bound to answer, or shall make any false report, he shall be held to have committed the offence specified in Section CLXXVI of the Indian Penal Code.

XXII. See Schedule.

XXIII. Whoever intentionally obstructs any officer in the exercise of any of the powers vested in him by this Act, shall be held to have committed the offence specified in Section CLXXXVI of the Indian Penal Code.

XXIV. All fines imposed under this Act may, according as they shall have been imposed for offences committed within or for offences committed beyond the limits of the towns of Calcutta, Madras and Bombay, be recovered by a Magistrate of Police or by the Magistrate of the district in the manner prescribed in Section XXVI of Act XLVIII of 1860 (*a*).

(*a*) Section XXVI.—All fines and penalties imposed by a Magistrate of Police under the authority of this Act, or of any other Act heretofore passed, or which shall hereafter be passed, if no other means for enforcing the payment of such fines and penalties are or shall be provided by such Act, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Magistrate. When a warrant of distress is issued, the Magistrate may order the offender to be detained and kept in safe custody, until return can be conveniently made to such warrant, unless the offender enter into a recognizance, with or without sureties, conditioned for his appearance before him, on the day appointed for such return, such day not being more than eight days from the time of taking such recognizance; but if, before issuing such warrant of distress, it shall appear to the Magistrate, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Magistrate whereon to levy such fine or penalty, he may, if he think fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued, and, upon the return thereof, such insufficiency as aforesaid shall be made to appear to the Magistrate, he shall by warrant, commit the offender to gaol, there to be imprisoned, with or without hard labor, for any term not exceeding two months where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four months where the amount shall not exceed one hundred rupees, and for any term not exceeding six months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XXV. The Governor-General of India in Council, or the Local Government of any part of British India in which this Act may for the time being be in force, may exempt any person, or any class of persons, either wholly or partially, or temporarily or otherwise, from all or any of the provisions of this Act contained in any of the sections subsequent to Section V and may at any time revoke any such exemption.

Schedule of Offences punishable under Act III of 1864.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
22	Master or Commander of any vessel wilfully neglecting or refusing to comply with the requisitions of this Act. See also ss. 21 and 23.	Any person.	N. C.	S.	B.	Fine not exceeding Rs. 2,000.	Magistrate of the 1st Class or any Justice of the Peace. For levy of fines, see s. 24.	

FORESTS.

ACT VII OF 1865.

I. In this Act unless there is something repugnant in the subject or context—

"Government Forests" shall mean such land covered with trees, brushwood or jungle, as shall be declared in accordance with the second section of the Act to be subject to its provisions.

"Magistrate" shall mean the Chief Officer charged with the Executive administration of a district or place in criminal matters by whatever designation such officer is called, and shall include any person invested by the Local Government with the powers of a Magistrate or of a Subordinate Magistrate, as defined in the Code of Criminal Procedure, with a view to the exercise by him of such powers under this Act.

And in every part of British India in which this Act operates, "Local Government" denotes the persons authorized to administer Executive Government in such part, and includes the Chief Commissioner of any part of British India under the immediate administration of the Governor-General of India in Council whenever such Chief Commissioner is authorized by the Governor-General in Council to exercise the powers of a Local Government under this Act.

II. The Governor-General of India in Council within the Provinces under his immediate administration, and the Local Governments within the territories under their control, may, by notification in the Official Gazette, render, subject to the provisions of this Act, such land covered with trees, brushwood or jungle, as they may define for the purpose by such notification: provided that such notification shall not abridge or affect any existing rights of individuals or communities.

IV. Rules made in pursuance of this Act (by Local Government, s. 3) may provide for the following matters:—

First.—The preservation of all growing trees, shrubs, and plants, within Government forests, or of certain kinds only—by prohibiting the marking, girdling, felling, and lopping thereof, and all kinds of injury thereto; by prohibiting the kindling of fires so as to endanger such trees, shrubs, and plants; by prohibiting the collecting and removing of leaves, fruits, grass, wood-oil, resin, wax, honey, elephants' tusks, horns, skins, and hides, stones, lime, or any natural produce of such forests; by prohibiting the ingress into and the passage through such forests, except on authorized road and paths; by prohibiting cultivation and the burning of lime and charcoal, and the grazing of cattle within such forests.

Second.—The regulation of the use of streams and canals passing through or coming from Government forests or used for the transport of timber or other the produce of such forests—by prohibiting the closing or blocking up for any purposes whatsoever of streams or canals used or required for the transport of timber or forest produce; by prohibiting the poisoning of or otherwise interfering with streams and waters in Government forests in such a manner as to render the water unfit for use; by regulating and restricting the mode by which timber shall be permitted to be floated down rivers flowing through or from Government forests and removed from the same; by authorizing the stoppage of all floating timber at certain stations on such rivers within or without the limits of Government forests for the purpose of levying the dues or revenues lawfully payable thereon; by authorizing the collecting of all timber adrift on such rivers, and the disposal of the same belonging to the Government.

Third.—The safe custody of timber the produce of Government forests—by regulating the manner in which timber, being the produce of Government forests, shall be felled or converted by prohibiting the converting or cutting into pieces, or burning of any timber, or the disposal of such timber, by sale or otherwise, by any person not the lawful owner of such timber, or not acting on behalf of the owner; by regulating the manner in which property-marks shall be affixed to timber

and other forest produce in Government forests; by prohibiting the affixing of property-marks to timber by any person not the owner of the timber or acting on behalf of the owner, so long as such timber shall be within certain territorial limits, or shall be in transit on certain rivers; by prohibiting within certain territorial limits the effacing or alteration of property-marks on timber; by prohibiting, within such limits, the use of the property-marks employed by the Government, or the fraudulent use of the property-marks of private persons; by requiring the registry within certain territorial limits of implements for affixing property-marks on timber; by directing the levying of fees for the registration of such implements.

Fourth.—The regulation of the duties of the Government officers and establishments charged with the management and conservancy of Government forests, and with the levy of forest dues and revenues—by prohibiting their engaging in any employment or office other than their duties as public servants; by fixing penalties for the wilful neglect of the rules laid down for the guidance of such persons in all matters connected with the guarding of the boundaries of the forests, the marking, girdling, or felling of trees, the marking and passing of timber, the reporting and preventing of offences against the rules made in pursuance of this Act, and the collecting of forest dues or revenues.

V. In cases where the penalty of confiscation is not provided by this Act, the Local Government may prescribe punishments for the infringement of rules made in pursuance thereof, by fine not exceeding five hundred rupees, and in default of payment of such fine may provide for the imprisonment of the offender for such term as is mentioned in the sixty-seventh Section of the Indian Penal Code. (*See also s.* 10.)

VI. Such rules when confirmed by the Governor-General in Council and published in the Official Gazette shall have the force of law.

VII. All implements used in infringing any of the rules made in pursuance of this Act and all timber or other forest produce, removed or attempted to be removed, or marked, converted, or cut up contrary to such rules, shall be confiscated.

VIII. Any Police officer or person employed as an officer of Government to prevent infringement of the rules made in pursuance of this Act may arrest any person infringing any of such rules, and may seize any implements used in such infringement, and any timber liable to confiscation under this Act.

IX. Any person arrested on the ground that he has committed an infringement of such rules, shall forthwith be taken before a Magistrate, who may, if he see reasonable cause, order such person to be detained in custody until the case shall have been disposed of.

X. Where the doing of any act is made punishable by this Act, or by any of the rules to be made in pursuance thereof, with any penalty, the causing or procuring such act to be done shall be punishable in like manner.

XI. When any timber or other property shall be seized as liable to confiscation under this Act, any Magistrate or officer empowered to enforce penalties under this Act within the district or division of a district wherein the same may be seized, may, upon information, summon the person in possession of such timber or other property, and upon his appearance, or in default thereof may examine into the cause of the seizure of such timber or other property, and may adjudge the same to be confiscated, and sold on account of the Government.

XIV. When the confiscation of any property shall be adjudged under the last preceding section (see schedule), the same shall thereupon belong to and vest in Her Majesty, and a warrant shall be issued by the Court to a Police officer directing him to hold the property confiscated at the disposal of the Local Government.

XV. When any confiscation or penalty shall be adjudged under this Act, the Local Governments may, within three months after final judgment, call for the proceedings of the case, and, if they shall see cause, may direct that the seizure or any part thereof be restored, and may remit the penalty or part thereof, and direct that the offender be discharged.

XVII. No charge of an offence under this Act shall be instituted except within six months after the commission of such offence.

XVIII. This Act shall extend to all the territories under the immediate administration of the Government of India and under the Governments of Bengal, the North-Western Provinces, and the Punjab; and it shall be lawful for the Governors in Council of Madras and Bombay, respectively, by notification in the Official Gazette, to extend this Act to the territories under their respective Governments.

Central Provinces Circular $\frac{86}{1032}$ *of* 1865.

Incorporated with Rules VII, XXI, XXII, XXIV.

Further Magistrates sometimes apply the punishments prescribed in the Forest Rules framed under Section V of the Act, although those rules may not specifically provide for the particular infringement alleged, or although they may not apply to the particular circumstances of the alleged infringement, either by reason of its having been discovered in a locality not contemplated by the penal clauses of the rules, or by reason of the obligatory penalty of confiscation (Sections V and VII) precluding the applicability of penalties prescribed under Section V. Magistrates must remember that, in cases where confiscation, whether of implements or of forest produce, has under the Forest Act to be adjudged (Sections VII and XIII), then no other punishment can be awarded; in other cases the rules or the ordinary Penal law may or may not apply, according to circumstances, which should be carefully discriminated.

Schedule of Offences punishable under Act VII of 1865.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Summons or Warrant to issue first.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
12	Any Police officer or officer of Government vexatiously and unnecessarily seizing the goods or chattels of any person under the pretence of seizing property liable to confiscation, or vexatiously and unnecessarily arresting any person or committing any other excess beyond what is required for the execution of his duty.	Any person.	N. C.	S.	B.	Fine not exceeding Rs. 500, or imprisonment of either sort not exceeding 3 months.	Any Magistrate.	XIII.—All fines and penalties under the rules made in pursuance of this Act shall be enforced by a Magistrate in the manner prescribed by the Code of Criminal Procedure, and the rules therein contained for the trial of cases and for appeals shall be applicable to confiscations adjudged under this Act.
	See also Section V for infringement of rules made by Local Government, &c.	"	C.	"	"	Fine not exceeding Rs. 500, or in default imprisonment as in P. C., S. 67, *q. v.*	"	

PUNJAB NOTIFICATION, 11TH MARCH 1871.

1. The right of floating timber by natural streams and artificial canals in British territory is reserved in all cases, and the control of all such streams and canals as regards the floating of timber is vested in the Local Government.

8. No person not being the lawful owner, or acting on behalf of the lawful owner, shall, without the permission in writing of the Conservator of Forests, or other forest officer specially appointed on that behalf by the said Conservator of Forests, or by decrees or order of a competent Court, convert, cut up, burn, remove, conceal, sell, or otherwise dispose of any wood or timber while in transit or stranded on the banks of any river, or lying in any other place whatsoever.

9. No person shall remove or efface any property-mark from any timber while in transit on any river or water, or stranded on the islands or shores thereof; nor shall he put any mark upon any timber which is not his own; nor shall he use any Government mark, except with the permission of the Conservator of Forests, or the forest officer in charge of the river.

4. Any person who shall offend against the provisions of Rules 8 and 9 shall be liable to a fine not exceeding Rupees 200, and in default of payment of such fine, to simple imprisonment for a term not exceeding three months.

GAMBLING.

(N. W. P., Panjaub, Oudh, Central Provinces.)

ACT III OF 1867.

An Act to provide for the punishment of public gambling and the keeping of common gaming-houses in the North-Western Provinces of the Presidency of Fort William, and in the Punjab, Oudh, the Central Provinces.

I. In this Act, "Lieutenant-Governor" means the Lieutenant-Governor of the said North-Western Provinces or the Punjub, as the case may be.

"Chief Commissioner" means the Chief Commissioner of Oudh or the Central Provinces, as the case may be.

"Common gaming-house" means any house, walled enclosure, room, or place in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using, or keeping such house, enclosure, room or place, whether by way of charge for the use of the instruments of gaming, or of the house, enclosure, room, or place, or otherwise howsoever.

Words in the singular include the plural, and *vice versâ;* and

Words denoting the masculine gender include females.

II. Sections 13, 17, and 18 of this Act shall extend to the whole of the said territories; and it shall be competent to the Lieutenant-Governor or the Chief Commissioner, as the case may be, whenever he may think fit, to extend, by a notification to be published in three successive numbers of the official "Gazette," all or any of the remaining sections of this Act to any city, town, suburb, railway, station-house and place being not more than three miles distant from any part of such station-house within the territories subject to his government or administration, and in such notification to define, for the purposes of this Act, the limits of such city, town, suburb, or station-house, and from time to time to alter the limits so defined. From the date of any such extension so much of any rule having the force of law which shall be in operation in the territories to which such extension shall have been made as shall be inconsistent with or repugnant to any section so extended, shall cease to have effect in such territories.

V. If the Magistrate of a District, or other officer invested with the full powers of a Magistrate, or the District Superintendent of Police, upon credible information, and after such enquiry as he may think necessary, has reason to believe that any house, walled enclosure, room, or place, is used as a common gaming-house,* he may either himself enter, or by his warrant authorize any officer of Police, not below such rank as the Lieutenant-Governor or Chief Commissioner shall appoint in this behalf, to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, walled enclosure, room, or place, and may either himself take into custody, or authorize such officer to take into custody, all persons whom he or such officer finds therein, whether or not then actually gaming; and may seize or authorize such officer to seize all instruments of gaming, and all moneys and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein; and may search or authorize such officer to search all parts of the house, walled enclosure, room, or place, which he or such officer shall have so entered, when he or such officer has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer so takes into custody; and may seize or authorize such officer to seize and take possession of all instruments of gaming found upon such search. *(See Ruling, High Court, p. 914).*

VI. When any cards, dice, gaming-tables, cloths, boards, or other instruments of gaming are found in any house, walled enclosure, room or place, entered or searched under the provisions of the last preceding section, or about the person of any of those who are found therein, it shall be evidence until the contrary is made to appear, that such house, walled enclosure, room or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Magistrate or Police officer, or any of his assistants. *(See Ruling, High Court, p. 914).*

VIII. On conviction of any person for keeping or using any such common gaming-house or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein to be destroyed, and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all moneys seized therein, to be forfeited; or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

IX. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

X. It shall be lawful for the Magistrate before whom any persons shall be brought, who have been found in any house, walled enclosure, room or place entered under the provisions of this Act, to require any such persons to be examined on oath or solemn affirmation, and give evidence touching any unlawful gaming in such house, walled enclosure, room, or place, or touching any act done for the purpose of preventing, obstructing, or delaying the entry into such house, walled enclosure, room or place, or any part thereof, of any Magistrate or officer authorized as aforesaid. No person so required to be examined as a witness shall be excused from being so examined when brought before such Magistrate as aforesaid, or from being so examined at any subsequent time by or before the same or any other Magistrate, or by or before any Court on any proceeding or trial in any ways relating to such unlawful gaming or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself. Any such person so required to be examined as a witness, who refuses to make oath or take affirmation

* Gambling in a private house is no offence—*Sujjad Ali, N. W. P., 16th June* 1871; *Khyroo, 8th July* 1870.

accordingly, or to answer any such question as aforesaid, shall be subject to be dealt with in all respects as any person committing the offence described in Section 178 or Section 179 (as the case may be) of the Indian Penal Code.

XI. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, shall, in the opinion of the Magistrate, make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect, and shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

XII. Nothing in the foregoing provisions of this Act contained shall be held to apply to any game of mere skill wherever played.

XIV. Offences punishable under this Act shall be triable by any Magistrate having jurisdiction in the place where the offence is committed. But such Magistrate shall be restrained within the limits of his jurisdiction under the Code of Criminal Procedure, as to the amount of fine or imprisonment he may inflict.

XVI. The Magistrate trying the case may direct any portion of any fine which shall be levied under Sections 3 and 4 of this Act, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under this Act, to be paid to an informer.

XVII. All fines imposed under this Act may be recovered in the manner prescribed by Section 307 of the Code of Criminal Procedure, and such fines shall (subject to the provisions contained in the last preceding Section) be applied as the Lieutenant-Governor or Chief Commissioner, as the case may be, shall from time to time direct.

XVIII. Anything made punishable by this Act shall be deemed to be an offence within the meaning of the Indian Penal Code.

Note.

The Lieutenant-Governor of the Punjab says (C. O. 59—2701 of 1872) :—

He is aware of the evil caused by gambling as it exists in many parts of the Punjab, and that it directly leads to crime; but it is necessary for the Government to determine whether a given remedy is not worse than the disease, and the Gambling Act places so much power in the hands of a not highly-paid Police, that the Lieutenant-Governor will not sanction its extension in any town where there is no Magistrate to watch its working and guard against its abuse.

High Court, N. W. P., Rulings.

The gist of the offence under s. 4 consists in the fact that the house in which the gambling takes place is a common gaming house.

The gist of the offence under s. 13 is "*the gambling in a public street or place.*" Khyroo, 8-7-70.

To authorize an entry or search of a house under s. 5, there must be credible information before the Magistrate or Police Officer who may take action under such section, that the house is a common gaming house.

Unless a house is entered or searched under the provisions of s. 5, the finding of the cards, dice, &c., therein will not be *primâ facie* evidence for the purposes mentioned in Act III of 1867. Hursukh, 19-12-70.

Schedule of Offences punishable under Act III of 1867.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
3	Being the owner or occupier or having the use of any *house, walled enclosure, room or place* situate within the limits to which this Act applies and (1) *opening, keeping or using* the same as a common gaming-house; or (2) knowingly or wilfully permitting the same to be opened, occupied, used or kept by any other person as a common gaming-house; (3) any person having the care or management of or in any manner assisting in conducting the business of any *house, &c.*, as aforesaid *opened, &c.*, for the purpose aforesaid; (4) or advancing or furnishing money for the purpose of gaming with persons frequenting such *house, &c.*	Any person.	N. C., save as prescribed in S. 5.	W.	B.	Fine not exceeding Rs. 200, or imprisonment of either sort not exceeding three months.	Any Magistrate.	All offences under this Act are offences within the meaning of the Penal Code, *q. v. App., Penal Code, s.* 40.

Schedule of Offences punishable under Act III of 1867.—(Concluded.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
4	Any person found in such *house, &c.*, as described in S. 3, playing or gaming with cards, dice, counters, money or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake or otherwise. (*See Ruling, High Court, p.* 914).		N. C., save as prescribed in S. 5.	W.	B.	Fine not exceeding Rs. 100, or imprisonment of either description not exceeding one month.		Any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for gaming purposes.
7	And any person found in any common gaming-house entered by any Magistrate or Police officer under this Act, upon being arrested by such officer, or upon being brought before any Magistrate, and on being required by either of them to give his name and address, refusing or neglecting to give the same or giving a false one.	person.	"	"	"	Fine not exceeding Rs. 500, together with such cost as may appear reasonable to the Magistrate, and (in default or in first instance if Magistrate see fit) imprisonment not exceeding one month.	Magistrate.	

13	Any person found playing for money or other valuable thing with cards, dice, counters, or other instruments of gaming used in playing any game not being a game of mere skill in any public street, place or thoroughfare situated within the limits prescribed; or any person setting any birds or animals to fight in any public street, place or thoroughfare within the prescribed limits. Any person there present aiding or abetting the same. (*See Ruling, High Court, p.* 914.)	Any	C.	S.	"	Fine not exceeding Rs. 50, or imprisonment of either kind for a term not exceeding one month.	Any	All instruments of gaming found in such public place, or on the person of person then arrested, may be seized, and on conviction destroyed by order of Magistrate. *Vide supra, s.* 3.
15	Subsequent conviction of an offence either under S. 3 or 4, when the first offence was under S. 3 or 4.		"	" See Ss.	" 3 & 4.	Double the punishment to which he would have been liable for the first offence, but never to exceed fine of Rs. 600, or imprisonment of one year.		

HIDDEN TREASURE.

REGULATION V OF 1817.

2. Hidden treasure, consisting of gold or silver coin, bullion, precious stones or other valuable property found buried in the earth or otherwise concealed, after due notification, if the owner cannot be discovered, shall become the property of the finder or finders, provided it do not exceed Rs. 100,000, and the finders have conformed with the rules of this Regulation.

5. Collector of land revenue to bring forward any claim of right on the part of Government. The Judge shall institute a summary inquiry; and if the title of Government or other person so claiming the treasure in deposit or any part thereof be clearly established, he shall adjudge the same accordingly, subject to reimbursement of all expense incurred by the finders of the treasure, as well as to such compensation for the discovery of it as may in such case appear just and reasonable.

6. If no claim be preferred by Government or any person within the period prescribed by Section 4, or if the claim or claims preferred do not on summary inquiry appear well founded, and the amount or value of the hidden treasure found at the same time and the same place do not exceed Rs. 100,000, the Zillah or City Judge shall adjudge the same to the finders of the treasure who deposited it in the Zillah or City Court as required by Section 2, subject only to the actual expense incurred in adopting the measures prescribed in this Regulation.

7. If the amount or value exceed Rs. 100,000, and no claim be established, judgment shall be given in favor of the persons who discovered and deposited the treasure to that amount of Rs. 100,000, and the excess shall be declared at the disposal of Government.

8. If the finder do not, within one month of finding the same, give notice to the Judge of the Zillah or City Court and make the deposit, he shall be considered to have forfeited all right and title to the treasure, as well as all claim to reimbursement of expense, compensation or reward, and the treasure so clandestinely withheld from public investigation shall, on a summary suit by any subsequent claimant of right and proof of just title thereto, be adjudged to the legal owner with interest and costs; or if no private claim be established, it shall, on the application of the Government vakeels under instructions from the Board of Revenue, &c., be liable to confiscation to Government.

HOTELS, EJECTMENT FROM.

2. The law of the case appears to stand thus:—A landlord is not bound to continue to find food or lodging for a guest who refuses to pay for it in advance when required, or who threatens to assault the landlord, or who creates a disturbance in the hotel, or conducts himself in a manner calculated to cause reasonable offence to the other guests, or to prevent other travellers from going to the hotel. And in such cases, the landlord, if the guest will not depart on request, is authorized to put him out by force. Of course, where the guest neither creates an actual disturbance in the house, nor insists on stopping without tendering payment, the landlord ought to act with caution, but there may be conduct on the part of a guest not amounting to an actual disturbance or breach of the peace, which would justify the landlord in turning him out. In referring to the case of a guest who refuses to pay, I mean one who refuses to pay for food or lodging to be supplied to him for the future; he could not be turned out because he refuses to pay the amount of charge already incurred by him, if he offers payment for the future.

3. In all cases in which a landlord is authorized to turn out a guest, he may and ought to call in the Police to effect the ejectment. In a case (Wheeler *versus*

Whiting) tried before Mr. Justice Paterson in 1840, that learned Judge thus expressed himself:—"The landlord of an inn, or a public house, or the occupier of a private house, whenever a person conducts himself as the plaintiff did, is justified, in telling him to leave the house, and if he will not do so, is justified in putting him out by force, and may call in his servants to assist him in so doing. He might also authorize a Policeman to do it, but it would be no part of a Policeman's duty, as such, unless the party had committed some offence punishable by law. But although it would be no part of a Policeman's duty to do this, it might be better in many cases that a Policeman should assist the owner of the house in a matter of this kind, as he would probably get the person out of the house with less disturbance than the owner himself could do."

4. It is a mere question of convenience whether the landlord should call in a Police constable direct, or apply to the Magistrate for the assistance of the Police, but I should apprehend that the latter would be the more desirable course in practice. The interference of the Police would then not be put in exercise until the Magistrate had heard the landlord's statement of the facts of the case, and could judge as to the propriety of such interference.

5. The same considerations apply to the case of serais, when, as in the case suggested by the Magistrate of Benares, a guest frightens away other native travellers, commits an assault, and is continually intoxicated, the person in charge of the serai has a right to call on the Police to assist in ejecting the offender—*N. W. P. C. O. 57 of* 1862.

IMPROVEMENT OF GANGES NAVIGATION, N. W. P.

ACT I OF 1867.

An Act to authorize the levy of tolls for the improvement of the navigation of the Ganges.

WHEREAS it is expedient to authorize the levy of tolls on certain steamers, flats, and boats plying on the river Ganges, to be applied for the improvement of the navigation of the said river between Allahabad and Dinapore, it is hereby enacted as follows:

I. In construing this Act—

"Lieutenant-Governor" shall mean the Lieutenant-Governor of the North-Western Provinces of the Presidency of Fort William.

"Master" shall include every person (except a pilot) having command or charge of any steamer, flat, or boat; and

"Magistrate" shall include any person exercising any of the powers of a Magistrate.

XII. If any dispute shall arise respecting the liability of any steamer, flat, or boat to the payment of toll under this Act, or in respect of the burden of any steamer, flat, or boat, or the amount of toll payable; or the amount of any charges on account of any sale under this Act, such dispute shall be heard and determined by a Magistrate, and the decision of such Magistrate shall be final.

[*Note.*—The following rules are given in the Act relative to tolls:—

II. A toll not exceeding twelve annas per hundred maunds shall be payable, at such place or at one of such places subject to the government of the Lieutenant-Governor as he shall from time to time direct, in respect of every steamer, flat, and boat of the burden of two hundred maunds and upwards, which shall pass up or down the Ganges by such place or any one of such places: provided that toll shall be levied in the case of steamers only on sixty-five per cent. of the burden, and in the case of flats only on ninety per cent. of the burden.

Rules for measurement of burden.

III. The burden of steamers and flats liable to pay tolls under this Act shall be determined according to the method which may from time to time be practised by the Master Attendant at Calcutta in order to ascertain the amount of port-dues which such steamers and flats would be liable to pay on arrival within the limits of the port of Calcutta. The following method shall be used for determining in maunds according to actual flotage or displacement the burden of boats liable to pay tolls under this Act (that is to say), half the length in feet at the water-level of the boat shall be multiplied by the greatest width in feet at the water level, and the product shall further be multiplied by the draft of water in feet and the number so found shall be taken to be the burden in maunds, thereupon the toll shall be calculated, according to even hundreds of maunds, fractions of a hundred being neglected.]

XIV. Whenever in the opinion of such officer as the Lieutenant-Governor shall appoint in this behalf, the construction of any bándhél or other contrivance for fishing or for any other purpose, in any part of the Ganges between Allahabad and Dinapore, is likely to cause obstruction to the free and safe navigation of such part, he may by notice in writing, to be served on the owner or person in charge of such bándhél or other contrivance, or, if such owner or other person cannot be found, to be affixed at some conspicuous place in the nearest village, prohibit the construction of such bándhél or other contrivance.

XVI. It shall be lawful for the Lieutenant-Governor from time to time to make rules not repugnant to any law in force, and to repeal, alter, and amend such rules, for the management of the navigation of any part of the Ganges between Allahabad and Dinapore, and for regulating the conduct of persons employed for any of the purposes of this Act; and the Lieutenant-Governor may affix fines as penalties for the infringement of such rules not exceeding fifty rupees for any one infringement, or five rupees a day for any continuing infringement.

Such rules may contain directions for any of the following amongst other matters:—

(*a.*) For fixing the number and the width of steamers, flats, and boats to be allowed to pass into, or out of, or through any part of the Ganges between Allahabad and Dinapore at one time or abreast.

(*b.*) For determining the length of time during which steamers, flats, or boats may remain stationary on such part; and the amount of demurrage to be paid by steamers, flats, or boats remaining stationary beyond such time.

(*c.*) For regulating the mode in which and the place or places at which tolls are to be levied under this Act.

(*d.*) For the removal of sunken vessels and obstructions.

(*e.*) And for the storing and disposal of the cargo of steamers, flats, and boats seized under this Act.

Schedule of Offences punishable under Act I of 1867.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
XI	The master of any steamer, flat, or boat which shall depart from, or arrive at, any place as last aforesaid,* upon, or in the course of, or at the termination of any voyage, shall, upon demand by any person authorized to collect or receive the tolls under this Act specify whence he is come and whither he is bound. If any master of any such steamer, flat, or boat shall refuse or neglect so to do, or shall make a false statement as to the place from which he is come or to which he is bound, or shall endeavour to evade the payment of any toll payable under this Act.	Any person.	N. C.	S.	B.	Fine not exceeding Rs. 200.	Any Magistrate.	All fines realized as under C. P. C.
XV	Any person who shall wilfully disobey any prohibition under the last preceding section, or shall wilfully cause or aid in causing any obstruction to the navigation of the Ganges between Allahabad and Dinapore, or who shall wilfully omit to remove such obstruction after being lawfully required so to do.	"	"	"	"	Simple imprisonment not exceeding one month, or fine not exceeding Rs. 50, or both, and also to pay such fine as may be sufficient to meet all reasonable expenses incurred in abating or removing such obstruction or in repairing such damage.	"	Ditto.

* Where tolls are collected.

No. 15761C.

Notification.

Under the authority of Section II of Act VII of 1845, the following Rules are declared applicable to the—

Ganges Canal.

Rules.

I.—Land has been set apart at the following Canal stations,

1. Zillah Mozufferpugger.
2. „ Meerut.
3. „ Allygurh.

(1) (2) (3)

viz.: Khatowlie, Nanoo, and Barotha, for the establishment of Timber Depôts, for the convenience of merchants and others engaged in rafting timber, &c., on the Ganges Canal.

II.—Timber, of whatsoever description, taken out of the water at these stations, shall be removed by the persons in charge, from the berm of the Canal to the Timber Depôt, within 24 hours from time of landing; and in such manner as shall leave the Canal roadway clear of obstructions at all times.

III.—Timbers, firewood, bamboos, &c., which are to remain on Canal ground for more than 15 days from time of landing, shall be neatly stacked, and no stack shall exceed 7 feet in height, or be within 10 feet of the roadway.

IV.—Timber, &c., removed from Canal Depôt within 15 days from time of landing, shall be subject to no fees for wharfage; but all such goods remaining upwards of 15 days, shall be charged at the rate of eight annas for every 1,000 square feet, or fraction of 1,000 square feet occupied, for each month or fraction of a month, reckoning from the date of first landing. The measurements will include spaces between stacks.

VI.—Persons stacking timber upon Canal ground at points where no depôts exist, must remove all or any portion of it within 15 days from the date of their receiving notice to do so from the Traffic Manager, otherwise it shall be removed by the Canal establishment at the cost and risk of the owner. And no such timber shall be stacked or allowed to remain at the berm for 24 hours, nor shall it be allowed at any time to obstruct the Canal road.

VII.—No. carts, bullocks, or vehicles of any kind used for removing timber from the depôts, shall be left standing on the roadway in such a manner as to obstruct the free passage of vehicles passing up and down the Canal road.

VIII.—All damage to trees, or other Canal property, proved before an officer, exercising magisterial powers for the trial of offences against Canal rules, to have been committed in the transport, landing, and removal of timber, &c., shall be made good by the consignees of the property.

IX.—Infringement of these rules shall be punishable on conviction before an officer exercising powers for the trial of offences against Canal rules.

No. 3470 of 1869, N. W. P.

Rules for the Management of the River Ganges between Allahabad and Dinapore.

Approved by the Hon'ble the Lieutenant-Governor, North-Western Provinces, and issued, in accordance with Act I of 1867, *for general information and guidance.*

In constructing the following rules, "master" shall be held to include every person (except a pilot) having command or charge of a vessel or a boat.

It shall be in the power of the superintendent and his sub-divisional overseers to stop any vessel or boat for the purpose of communicating instructions for guidance of navigation, all masters being bound to obey such summons conveyed by the suspicious signal of a large-sized red-colored ball shown at mast-head of any boat

belonging to the Department, and implying "I wish to communicate." Any master failing to comply with such signal, shall, on conviction before a Magistrate, be liable to a fine of Rs. 50.

The superintendent, or his sub-divisional overseers, shall alone summon any vessel or boat as specified in the preceding paragraph, for the purpose of warning masters of any impediment to navigation believed to exist in the portion of his or their district above or below the point at which communication shall take place or to the event of bándhéls having been constructed for improvement of navigation, or buoys or other marks placed as warnings for guidance, how such shall be passed. Any master disregarding such instructions so conveyed shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 50.

Any master of a vessel having doubts as to the correctness of the representations made by superintendent or his divisional overseers, shall nevertheless anchor before reaching such bándhéls, buoys, or marks, and test the accuracy of their opinions by careful examination, judging for himself as to whether he can pass such (under steam or otherwise), towing one or two barges at a time either abreast or astern. But any master so acting on his own responsibility shall, on like conviction, be liable to the penalties provided in the preceding paragraph in the event of damage being done to the works, &c., and also for the amount of cost of the damage caused by his disregard of instructions.

Masters of vessels, accidentally or otherwise, fouling bándhéls or other works constructed for improvement of navigation, shall, after ascertaining extent of damage done, report such to superintendent without delay, entering a copy of their report in their log-books. Infringement of above rule will render masters or boat proprietors liable to a fine not exceeding Rs. 50, and to cost of damage done to works.

Country boats plying on the river Ganges, laden or unladen, shall show a clearance of gunwale of not less than eighteen inches above water-level. Any master infringing such rule shall, or conviction before a Magistrate, be liable to a fine not exceeding Rs. 20.

Any master plying a boat on the river Ganges, laden with cargo of any description, in the event of such boat being pronounced unserviceable shall be liable to detention by the superintendent or his sub-divisional overseers, and on conviction before a Magistrate to a fine not exceeding Rs. 50. When arrested, the master shall be bound to take such load to the river's bank, and there unload; and in the event of his refusing to do so, or attempting to continue his voyage, the aid of the Police shall be given for the enforcement of the superintendent's or overseer's orders.

Any master, when called upon to lighten his vessel or boat by landing cargo of whatever description, shall have it placed on substantial ground beyond limit of river's bank, failing which, on conviction before a Magistrate, he shall be subject to a fine not exceeding Rs. 50.

Any person wilfully damaging any bándhéls or works constructed for improvement of navigation shall be liable to a penalty; and the superintendent is empowered to detain any vessel or boat which may have caused the damage, and bring the offender before a Magistrate.

The Magistrates of Districts bordering on the river Ganges shall warn all landholders or owners that they will be held responsible for the removal of all trees, with their roots, within fifty yards of the river's bank, which may reasonably be expected to fall into the river at an early date. It shall be the duty of the superintendent, Ganges navigation works, to bring to the notice of Magistrates cases in which the removal of trees is considered by him necessary, forwarding a copy of any such intimation to the Commissioner of the Allahabad, Benares, or Patna Divisions, according to the jurisdiction such may fall within.

Any person detected stealing or removing bándhél materials (property of Government), whether in the river or on its banks, or wilfully removing from river buoys or marks placed as warnings for guidance of navigation, shall be arrested by superin-

tendent, or any of his subordinates, and forwarded by the Police to the nearest Magistrate, by whom, on conviction, he shall be fined to an amount not exceeding Rs. 50.

Fines on masters of vessels or boats, under any of the preceding rules, shall, on conviction, before a Magistrate, be leviable by distraint and sale of vessels or boats and cargoes concerned.

The superintendent of river Ganges navigation works shall be vested with powers to inflict the penalties prescribed in paragraphs 8, 9, 10, 11, 12, 13, 14, and 17 of these rules; an appeal lying to the Magistrates of Districts in which such are inflicted.

Masters of vessels shall be invited to furnish the superintendent of river Ganges navigation works, or his sub-divisional overseers, with particulars as to locality of any obstruction to navigation detentions incurred, and cause thereof, with any other information they may consider likely to be useful. Should superintendent's whereabouts be doubtful, such information to be addressed to head-quarters, Chunar.

Any master having, or considering himself to have, reason to complain of neglect of duty on the part of any member of the river Ganges navigation works establishment, shall forward the particulars of his grievance to the superintendent, or the Superintending Engineer, 3rd Circle, North-Western Provinces at Allahabad, with a view to the grounds of such complaint being enquired into.

INFANTICIDE CATECHISM.

N. W. P., 103A of 1872.

Questions.	Answers.
1. What, under the rules, is the duty of the head of a family in proclaimed villages?	To report all births, deaths, and marriages to chowkeedar (Rule 6), and, under Rule 23, if so ordered by Lieutenant-Governor, to report pregnancies.
2. What is the duty of headmen of proclaimed villages?	To assist in carrying out the rules under the Act, *i.e.*, in preparing correct registers, in taking census, and seeing that information of births, &c., is given (Rule 7).
3. What is the duty of chowkeedars?	To report all births, deaths, marriages, arrivals and removals (Rule 8); also all pregnancies under Rule 11, where report of such events is required.
4. If a pregnant female leaves or comes into village, what has chowkeedar to do?	To report at once the place to which she removes, or from which she came (Rule 9).
5. What must the chowkeedar report at once, and what may he report at his ordinary visit to Police-station?	At once, births of female children, deaths of ditto under 6 months (Rule 12); removals of pregnant women (Rule 9). Afterwards, other births and deaths, removals and arrivals, pregnancies under Rule 11.

QUESTIONS.	ANSWERS.
6. What are the duties of Police in event of a female child being born, or by whom must the duty enjoined be performed?	Officer in charge, or officer not below head constable, to go at once to see the child and warn the father not to neglect it (Rule 8).
7. What is the duty of officer in charge of Police-station in case of death, or other suspicious circumstances?	To go to the spot and make enquiries (Rule 16). By G. O. No. 366A., in case of death of female under 6 months, to hold inquest under Section 133, Procedure Code. If suspicious, send in body to Civil Surgeon.
8. What are the duties of the Police mohurrir?	To keep up Registers B. and C., and prepare quarterly Form D. and Register of midwives.
9. Is the head of the station responsible for the register kept by the mohurrir?	Yes. By Rule 16 he is to supervise him, and see that his returns are correctly kept.
10. In order to ascertain correctness of reports made, and entries in register, how is the head of the station to act?	To visit the village from time to time, inspect children, and take every opportunity of checking the reports by local enquiry.
11. How often is the head of the station to visit proclaimed villages, and what is he to do when he visits it?	Once a month. He will inspect all female children born within the year, and verify all reports of marriages, arrivals, removals, births, and deaths made by chowkeedar since his last visit. He will then send a special report of his visit to District Superintendent—(*Police Circular* 7, *dated* 11*th May* 1871.)
12. What is the duty of midwives?	To report to chowkeedar birth of female child and death if it occurs before her services are dispensed with (Rule 20). Under Rule 23 to report pregnancies to chowkeedar.
13. What returns have to be submitted, when, and to whom?	Quarterly Return D. to be submitted to District Superintendent.
14. Is the register of pregnancies open to inspection, and has a copy of this register to be sent to Superintendent of Police?	No.
15 (*a*). Luchmun Brahmin, head of a proclaimed village, having been ordered to see that the chowkeedar performs the duties imposed on him by the Act, knowing of a birth, death, marriage, or removal, and knowing that chowkeedar has not reported, neglects to force him to do so; to what penalty is he liable?	Six months and 1,000 Rupees.

QUESTIONS.	ANSWERS.
(*b.*) The head of proclaimed family neglects to report a death, birth or marriage in his family to chowkeedar; a chowkeedar neglects to perform any duty imposed on him; a midwife neglects immediately to report to chowkeedar the fact of a female child's birth or its death, in case of its death prior to completion of her services, to what penalty are these liable?	The same.
(*c.*) If any member of the Police neglects to perform the duties set forth, is he punishable under Act VIII of 1870?	Yes.
16. What registers have to be kept up at a Police-station?	(1.) Register A. Nominal Register. This is to be corrected by census of 18th January 1872, and all entries made in Register C. to be entered in Register A. in last column. (2.) B. Pregnancies in villages where reports are required. (3.) C. Daily Report Registers. (4.) D. Quarterly Register, copy of which goes to District Superintendent. (5.) Register of midwives.
17. If a Police officer, when inspecting a village, ascertains that a female child is neglected and likely to perish, what should he do?	Report to Magistrate, who can act under Section 6, Act VIII of 1870.
18. If a chowkeedar reports that a pregnant woman has left her village and gone to village Z. in the same district, what is Police officer to do, and what if Z. is in another district?	Report to District Superintendent, who will inform the Police officer in whose station Z. is, that she may be brought on the register, and chowkeedar of Z. punished if he has not reported her arrival. If Z. is in another district, information will be sent to District Superintendent of that district. If the Police officer has reason to believe that birth may be immediately expected, he should send information direct to the Police officer in whose circle Z. is.

QUESTIONS.	ANSWERS.
19. If head of family refuse to produce his child for inspection, what is Police officer to do?	Appeal to head of village for help, and if he refuses, report to Magistrate (through District Superintendent), who will punish the head of village under Rule 7. Head of family will also be liable to prosecution for obstruction to public servant in execution of his duty.
20. If a chowkeedar of a proclaimed Rajpoot village is a Rajpoot, what is Police officer to do?	Report to District Superintendent, who will remove him (Rule 13).
21. If a pregnancy is reported by a chowkeedar in a village in list B., what is Police officer's duty?	Enquire from midwife and head of family when birth is expected; note date in diary; visit village once or twice before the date to see that mother is well; warn chowkeedar to report if miscarriage occurs, and also immediately when birth occurs, and visit immediately when it does.
22. How can a village or clan be removed from proclaimed list?	By raising its percentage of girls to 40* (Rule 30).
23. How is the rise of percentage to be known?	Police officer of station should note all events on his Statement A., and at every quarterly submission of D. should draw out percentage; and if any village is near its 40* per cent., he should watch Register A.* and report as soon as it reaches 40.* Also if new census brings out the percentage above 40,* Magistrate will report for exemption if he thinks right.
24. When is a census to be taken?	After not less than 3 years, and not more than 3 from 18th January 1872.
25. How many proclaimed villages are there in your circle on Register A.?	
26. How many on Register B.?	

C. 5A of 1873.

The Supreme Government desire that the village should be the unit of calculation in determining guilt and also as a rule the fact that only 35 per cent. of the children are girls should be the proportion indicative of guilt in a village.

The standard ratio of 40* per cent. will still be considered a general indication of the presence of guilt, but not enough of itself to justify proclamation; where it exists, the analysis must be carried down to the village.

Should be 35, see 5A of 1873.

After Government has decided what clans are presumably guilty in what pargana or districts, the next step is to draw up a statement by villages in form annexed:—

Pargana.	Village	Clan.	No. of Families.	Men.	Women.	Boys.	Girls.	Percentage of Girls to Children.

Rule.—The village percentage must not exceed 35 to justify recommendation for proclamation.

Exceptions.—Where special reasons other than statistical exist for declaring the clan guilty in any village, proclamation may be proposed even if percentage is higher.

Reasons.—(1). Suspicion arising from proved cases of infanticide.
(2). Fama clamans.
(3). Largeness of numbers.

N.B.—A lower percentage than 35 in a small village may be accidental.

In drawing up the lists, place:—

1*st.*—Villages having percentage of 0 to 35 without remark.

2*nd.*—Villages having percentage of 35 to 40, with specific reasons which are held to justify their insertion in the proclamation.

3*rd.*—Any village in which, although the clan is as a whole innocent in the pargana, there may yet be reason from a very deficient percentage of girls in large number of children to assume that infanticide is practised locally.

Complete lists of village should be drawn up in two parts:—

1*st.*—Villages as above, either because percentage is below 35, or for special reason.

2*nd.*—Villages proposed for exemption under these new orders.

To Part I append an abstract showing for each clan, pargana by pargana, the number of villages still kept under the rules, and total number of men, women, boys, and girls, with the percentage of girls to children.

Villages in Part II and exempted must still be watched by the District officer and his superior staff, especially where number are considerable, and percentage near the border line: if presumption of guilt in future arise from individual cases in Courts, inadequate proportion of girls, &c., it will be the duty of Magistrates to consider whether the rules should not be applied, and to report accordingly all villages exempted are subject to special census which will fall within three years of 1872 January.

INFANTICIDE, FEMALE.

ACT NO. VIII OF 1870.

WHEREAS the murder of female infants is believed to be commonly committed in certain parts of British India; and whereas it is necessary to make better provision for the prevention of the said offence; It is hereby enacted as follows:—

1. If it shall appear to the Local Government that the said offence is commonly committed in any district, or by any class, or family, or persons residing therein, the Local Government may, with the previous sanction of the Governor-General of India in Council, declare, by notification published in the official Gazette, and in such other manner as the Local Government shall direct, that measures for the prevention of such offence shall be taken under this Act, in such district, or in respect of such class, or family, or persons.

The notification shall define the limits of such district, or shall specify the class, or family, or persons to whom such notification is to be deemed to apply.

2. When such notification shall have been published as aforesaid, it shall be lawful for the Local Government, subject to the provisions of Section 3, from time to time to make rules* consistent with this Act, for all or any of the following purposes:—

(1.) For making and maintaining registers of births,† marriages, and deaths occurring in such district, or in or among the class, family, or persons to whom such notification has been made applicable; and for making from time to time, a census‡ of such persons, or of any other persons residing within such district:

(2.) For the entertainment of any Police force§ in excess of the ordinary fixed establishment of Police, or for the entertainment of any officers or servants, for the purpose of preventing or detecting the murder of female infants in such district, or in or among such class, family, or persons, or for carrying out any of the provisions of this Act:

(3.) For prescribing how and by whom information‖ shall be given to the proper officers of all births, marriages and deaths occurring or about to occur in such district, or in or among such class, family, or persons:

(4.) For the regulation and limitation of expenses incurred by any person to whom such notification applies on account of the celebration of marriage or of any ceremony or custom connected therewith:

(5.) For regulating the manner in which all or any of the expenses¶ incurred in carrying into effect rules made under this section shall be recovered from all or any of the inhabitants of such district, or from the persons to whom such notification is applicable:

(6.) For defining the duties** of any officer or servant appointed to carry out any rule made under this section.

3. No rule or alteration made under Section 2 shall take effect until it shall have been confirmed by the Governor-General of India in Council, and published in the *Gazette of India* and also in the local Gazette.

Copies of every such rule shall be affixed in such places, and shall be distributed in such manner, as the Local Government may direct.

4. Whoever disobeys any such rules shall, on conviction before any officer exercising the powers of Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

5. Nothing in this Act, or in any rule made and published as aforesaid, shall prevent any person from being prosecuted and punished under any other law for any offence punishable under this Act: Provided that no person shall be punished twice for the same offence.

6. If it appears to the Magistrate of the District that any person to whom the notification mentioned in Section 1 applies, neglects to make proper provision for the maintenance of any female child†† for whose maintenance he is legally responsible, and that the life or health of such child is thereby endangered, such Magistrate may, in his discretion, place the child under such supervision as he may think proper, and shall, if necessary, remove the child from the custody of such person.

The Magistrate of the District may order him to make a monthly allowance for the maintenance of the child at such monthly rate not exceeding fifty rupees as to such Magistrate shall seem reasonable, and if such person wilfully neglects to

* See Pp. 930, &c.
† Pp. 930, 6: 931, 7, 12: 932, 20, 26: 933: 935, *j*.
‡ Pp. 930, 1—5: 931, 7: 932, 29: 933: 934, *b*: 935, *l*.
§ Pp. 931, 14—16: 932, 22: 934, *d*. *e*: 935, *f*, *h*.
‖ Pp. 930, 6: 931, 7—11: 932, 20, 23, 24: 935, *g*, *i*.
¶ Pp. 932, 21, 22: 935, *h*.
** Pp. 932, 7—12, 16, 17: 935, *f*.
†† Pp. 936, 5.

comply with such order, such Magistrate may, for every breach of the orders, by warrant, direct the amount due to be levied in manner provided by Section 307 of the Code of Criminal Procedure.

Nothing in this section shall affect the powers of Magistrates under Section 536 of the same Code.

7. This Act shall, in the first instance, extend only to the North-Western Provinces, to the Punjab, and to Oudh; but the Governor-General of India in Council may by order extend it to any part of the territories (other than Oudh) under the immediate administration of the Government of India; and the Governor of Madras in Council, the Governor of Bombay in Council, and the Lieutenant-Governor of Bengal, may severally by order extend it to any part of the territories under their respective governments.

Every order under this section made by the Governor-General of India in Council shall be published in the *Gazette of India*. Every other order made under this section shall be published in the local official Gazette.

Schedule of Offences punishable under Act VIII of 1870.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.
4	Disobeying any rule made under the Act.	Any person.	N. C.	S.	B.	Imprisonment of either kind not exceeding 6 months, or fine up to Rs. 1,000.	1st class Magistrate.

N. W. P. Rules, Notification 806 *of* 1871.

1.—A census shall be taken of the whole adult and non-adult population of the proclaimed clans, tribes, or families in the proclaimed tracts or villages.

2.—The census shall be made by the Collector, who will employ putwarees, bukshees of chowkeedars, abkaree mohurrirs, &c., &c., under the superintendence of peshkars and tehseeldars, controlled by covenanted and uncovenanted officers. It will be conducted ordinarily during the cold season, when district officers on tour will be able to exercise a thorough supervision over the subordinates employed in making the enumeration.

3.—The annexed form (A.) shall be uniformly adopted for such census.

4.—Copies of the census returns, when finally tested, shall be kept at the tehseel, at the Police-station, and at the office of the District Superintendent of Police. There shall be a separate return for each village, and these village returns shall be bound up according to pergunnahs for deposit in the tehseels, and, according to Police circles of jurisdiction, for deposit at the Police-stations.

5.—This census shall be repeated* at periods not less than one year, and not exceeding three years.

6.—The heads of families in proclaimed tracts or classes shall report all deaths births, and marriages to the chowkeedar.

* P. 934, *b*.

7.—All headmen of proclaimed villages, or of villages in which proclaimed clans reside, shall be bound to assist in enforcing any rules made for any of the following purposes :—

For making and maintaining registers of births, marriages, and deaths occurring in the proclaimed district, or in or among the proclaimed class, family, or persons; and for making from time to time a census of such persons, or of any other persons residing within such district.

For prescribing how and by whom information shall be given to the proper officers of all births, marriages, and deaths occurring, or about to occur, in such district, or in or among such class, family, or persons.

8.—Chowkeedars of proclaimed villages or clans shall report at the Police-station all births, deaths, marriages, arrivals, and removals occurring in the proclaimed families or clans. In the event of the child born being a girl, the officer in charge of the Police-station, or of an officer of a grade not lower than head constable, shall proceed as soon as possible after the birth to the village, shall call for and see the child, and warn the father not to neglect it. The inspection shall be repeated as opportunity may occur.

9.—When a pregnant female belonging to a proclaimed family is removed from the village, the chowkeedar shall at once give intimation at the Police-station of her removal, and the place to which she has been removed.

10.—When a pregnant woman is brought into a proclaimed village, the chowkeedar will be bound to inform the Police of her arrival, and of the place from which she came.

11.—The chowkeedar shall also report at the Police-station all pregnancies in proclaimed villages or families where the percentage of girls to the non-adult population is under twenty-five.

12.—The following events shall be reported by the chowkeedar immediately:—

(*a*) Births of female children.

(*b*) Deaths of female children under six months of age.

(*c*) Removals and arrivals of pregnant females, other deaths, arrivals, and removals, and all pregnancies* and marriages shall be reported at the ordinary visit of the chowkeedar to the Police-station.

13.—In proclaimed villages the chowkeedar must not be either a relation, connection, or of the same caste as any of the proclaimed families.

14.—When the crime is so prevalent, and the number of the proclaimed villages so great, that the ordinary establishment of the district cannot cope successfully with it, an officer,† with the powers of an Inspector of Police, for carrying out measures for prevention and detection, may, with the sanction of the Local Government, be appointed for a district, or a certain portion of a district, as circumstances may direct.

15.—Extra Police,‡ under Act V of 1861, shall not be imposed except on proof of determined persistence in the crime, or systematic disregard of the rules, and only then on the special report of the district officers, submitted through the usual authorities, and sanctioned by the Local Government.

16.—The officer in charge of a Police-station§ shall be required to go to the spot and make inquiries in case of death or other suspicious occurrence; to supervise the mohurrir, and see that his registers are accurately kept, and the necessary returns submitted; and to take every opportunity of checking the information given at the Police-station, by local inquiry in person. He should also periodically visit the proclaimed villages and inspect the children. He shall report at once any event of importance which may occur in his circle.

17.—The duties of the Special Inspector will be those ordinarily performed by the Police.

18.—A register‖ of midwives in proclaimed villages shall be kept at the Police-station.

* When required by Rule II to be reported.

† P. 934, *d*. ‡ P. 934, *e*.

§ P. 935, *f*. ‖ P. 935, *g*.

19.—Registered midwives shall not be maintained in Government employ, but Magistrates and District Superintendents of Police will report cases in which they consider rewards should be given to them.

20.—The midwife shall report immediately to the chowkeedar the fact of a female child's birth in a proclaimed family, and, in case of its death prior to the completion of her services, the fact of death.

21.—All expenses* incurred in working the system, sanctioned by Act VIII of 1870, shall be borne by the proclaimed clans and families, and shall be recoverable as arrears of land-revenue, provided that, when the percentage of girls in any proclaimed village or clan exceeds forty (*altered to* 35 *by C.* 5 *A. of* 1873), it shall at once be exempted from any share in such expenses.

22.—Each district shall bear its own expenses.* The Magistrate shall first submit an estimate of expenditure likely to be incurred in his district, with a list of villages (with the number of heads of families in each) which he considers should be called upon to contribute. On receiving the Government sanction, he shall then proceed to distribute the total expenditure amongst the different villages in proportion to the number of heads of families in each, and these heads of families shall re-distribute according to village custom. If no custom exists, or if the heads of families refuse to apportion the expenses amongst themselves, the Magistrate shall do so by number of heads of families. The cost of extra Police shall be borne by the villages on which they have been quartered.

23.—In all proclaimed villages,† where the proportion of girls to the non-adult population is under 25 per cent., the midwife shall report, through the chowkeedar, every pregnancy among the proclaimed families at some period prior to the birth. When the fact of pregnancy is marked by any ceremony, the report shall be concomitant with that ceremony. If, after proclamation, the proportion of girls does not rise to more than 25 per cent., the Lieutenant-Governor may direct that every head of a proclaimed family shall be personally bound to report every pregnancy at some period before the seventh month.

24.—Pregnancies need not be reported† on those proclaimed tracts of villages where the proportion of girls to the child-population is above 25 per cent.

25.—A register of pregnancies in the form (B.) hereto annexed shall be kept up for all villages in which they are directed to be reported. No abstract from these registers will be submitted.

26.—A register of births,‡ deaths, marriages, arrivals, and removals, occurring in the proclaimed families or clans, shall be kept up for each proclaimed village, at the Police-station to which it belongs in the form (C.) attached.

27.—Abstracts from these registers‡ shall be prepared quarterly by the Police officer in charge of them, and shall be submitted by the officer in charge of the Police-station to the District Superintendent of Police in the form (D.) annexed.

28.—The District Superintendent of Police shall have the abstracts required under Rule 27 collated in his office, and shall submit§ the annual results through the Magistrate, Commissioner of Division, and Inspector-General of Police, for the information of Government.

29.—If, on the occasion of a fresh census,‖ it should appear to the Magistrate that any village or clan had reformed, he should report the circumstance to the Local Government, recommending its removal from the proclaimed list, and await orders.

30.—Any percentage of girls to the child-population exceeding forty (*altered to* 35, *see C.* 5*A. of* 1873) should ordinarily,‖ but not necessarily, be the ground for recommending removal from the proclaimed list.

* P. 935, *h.* † P. 935, *i.* ‡ P. 935, *j.*
§ P. 935, *k.* ‖ P. 935, *l.*

FORM A.

Village.	Caste.	Name of Head of House.	Names of Men.		Names of Women.		Names of Boys born since the Mutiny.		Names of Girls born since the Mutiny.		REMARKS.
			Married.	Single.	Married.	Single.	Married.	Single.	Married.	Single.	

FORM B.

Village.	Name of Husband, Guardian, or Protector of pregnant Woman.	Date of Report of Pregnancy.	Date of expected Birth of Child.	Date of actual Birth.	Abortive Birth.	Birth of		REMARKS.
						Boy.	Girl.	

FORM C.

Date.	Births.		Deaths.							Marriage.		Removals and Arrivals.	REMARKS.
	Father's Name and Caste.	Males.	Females.	Father's Name and Caste.	*Males.*			*Females.*						
						Age			Age					
					Name.	Under one Year.	Above one Year.	Name.	Under one Year.	Above one Year.	Father's Name, Residence, and Caste.	Father-in-law's Name, Residence, and Caste.	Name of Head of Family and Caste.	

FORM D.

Abstract of Mouzahwar Register of proclaimed Villages in Thannah , for the Quarter 187 .

Name of Village.	Number of Children born in Quarter.		Number of Children died in Quarter.				Number of Children married in Quarter.		Remarks.
			Male		Female				
	Male.	Female.	Under one Year.	Above one Year.	Under one Year.	Above one Year.	Male.	Female.	

These Rules and Registers in their full integrity were prescribed for adoption in Oudh by Order No. 310—Gazette of India, May 11, 1872.

Circular Letter 366*A of* 1871, *N. W. P.*

A copy of the above rules in the language best understood by the people must, as soon as possible, be affixed in a conspicuous place at each tehseelee, Police-station and village chopal in the proclaimed localities, and steps must be taken by you to convey to the guilty classes warning and information concerning the new duties imposed upon them and the penalties to which they will render themselves liable by disobedience of the orders contained therein. It should be explained to them that the Government is resolved to use every means in its power in order to eradicate the inhuman practice, and that any relaxation of the repressive measures now to be enforced will depend on the evidence they may give of a disposition to reform.

3. As regards the rules themselves,—

(*b*) Rule 5 provides for the periodical renewal of the census. On the submission of the Annual Report contemplated by Rule 28, you will state your opinion as to the necessity for a fresh census which ordinarily will be made only triennially.

(*c*) Rule 6 defines the duties of heads of proclaimed families; 7, the duties of headmen; and 8—13 inclusive, the duties of chowkeedars. These are very simple and require no comment.

(*d*) Rule 14 provides for the appointment of a special officer to supervise the measures of repression where the crime is very prevalent, and the number of the proclaimed villages so great that the ordinary district establishment cannot cope successfully with it. You are requested to consider whether any such officer is necessary in your district. If he is appointed, his salary will form part of the expenses of working the system of repression, and will be borne by the proclaimed clans and families. It is His Honor's wish that the guilty classes should be put to as little expense as possible, and in submitting any proposal of the kind you will keep this object in view.

(*e*) Rule 15 permits the imposition of extra Police under certain circumstances. The Government will require full proof of persistence in the crime on the part of the offenders and of systematic disregard of the rules, before this extreme measure is resorted to.

(*f*) Rule 16 states the duties of officers in charge of Police-stations, one of which, it will be observed, is "to supervise the mohurrir and see that his registers are accurately kept, &c." The person employed as mohurrir will be the writer ordinarily entertained at a Police-station. It will devolve upon him to keep up all the prescribed registers. Where the additional duty so imposed is excessive, he may receive, with the sanction of Government, an extra allowance to be fixed by the Magistrate and District Superintendent of Police in communication with the Commissioner and Inspector-General of Police. A rule to this effect was submitted for the approval of the Supreme Government; but was struck out apparently because it was thought that an executive order would be sufficient. The Inspector-General of Police will be requested to issue the necessary instructions to give effect to the wishes of Government in this respect, and to define generally the way in which the Police are to carry out the new duties entrusted to them. In estimating the expense of working the Act, you will provide for the necessary stationery and the extra allowance which it may be found necessary to give to the Police-station writers on the conditions above laid down.

(*g*) Rule 18 enjoins the preparation of a register of midwives to be kept up at the Police-station. This should be prepared as soon as possible, and from time to time tested as opportunity may occur. It should be explained to them that any disregard of the orders laid down in Rules 20 and 23 will render them liable to imprisonment and fine. If after the experience of some months, you find it advisable, you are at liberty to apply for an annual sum to be defrayed like other expenses by the proclaimed villages, and to be disbursed in rewards to such midwives as have done good service in putting down the crime or bringing it to light. Similar rewards may also be given to chowkeedars for special service. But this hardly requires to be provided for now.

(*h*) Rules 21 and 22 sufficiently explain themselves. Your estimate of expenditure should be carefully and economically framed and submitted for approval through the Commissioner and Inspector-General of Police as soon as possible.

(*i*) Rules 23 and 24 are very important. You will observe that the only distinction made between the more and less guilty of the proclaimed clans is as regards the report of pregnancies. No such report is required in those tracts or villages where the proportion of girls to the child-population is above 25 per cent. In those localities where the proportion is below 25 per cent., the midwife and chowkeedar are both bound to report, and if after proclamation the percentage does not rise, power is given by the Local Government to declare the heads of the proclaimed families personally bound to report. To avoid unnecessary offence, it was determined that the register of pregnancies should be a closed book save to inspecting officers, and you are requested to see that this rule is strictly observed. The form for the register of pregnancies is prescribed in Rule 25.

(*j*) Rules 26 and 27 require that abstracts of the registers of births, deaths, marriages, arrivals, and removals, should be submitted quarterly to the office of the District Superintendent of Police, where they will be carefully examined and collated under Rule 28. Should any clerical assistance be required, you should provide for the salary of a clerk in the estimate required by Rule 22, but the charge will be admitted only if good and sufficient cause is shown.

(*k*) Rule 28—the annual report should be submitted through the prescribed channels at the close of the financial year beginning from 1871-72.

(*l*) Rules 29 and 30 provide for the removal from the proclaimed list of a village or clan which is shown to have reformed. In no such case should the rules be relaxed without sanction. Provision is not made for the exemption of a family living in a guilty village or belonging to a guilty clan, in which the proportion of girls to boys, or the recent birth of a girl saved alive, might be sufficient to prove that it has abandoned the practice. It is however believed that innocent are sometimes found intermixed with guilty families. Such cases should therefore be carefully investigated, and it will be for you to determine whether they should not be exempted from the operation of any or all the rules. Especially would it be proper to relax in such a

family the rule for reporting pregnancies. It should be felt by those concerned that any sign of improvement in the careful preservation and nurture of a female infant will henceforth entitle the family to every consideration.

4. It was the intention of the Infanticide Committee to make a rule directing that the body of every deceased female infant under six months of age should be forwarded by the Police to the Civil Surgeon for examination in the case of all villages or clans where the percentage of girls of the proclaimed classes is under 25 per cent., and that a similar procedure should be adopted in all cases of suspicious death even if the percentage of girls is over 25. The rule was however considered beyond the purview of the Act, and has accordingly been struck out. But it is possible to secure the object desired by an executive order. His Honor is therefore pleased to direct (1) that the death of every female infant under six months of age in a proclaimed family shall be considered *primâ facie* sudden and suspicious, and sufficient to justify an inquest being held on the spot by the officer in charge of the Police-station, in the manner prescribed by Section 133 of the Criminal Procedure Code; (2), that unless the result be entirely to clear the cause from suspicion, the body be forwarded for examination to the Civil Surgeon.

5. The powers vested in you by Section 6 of the Act of dealing with neglected children will, it is hoped, be judiciously exercised. It is apprehended that their introduction will rarely be required.

Circular 32*A of* 1871.

It is proposed to charge to the fund formed (from fines realized under Act VIII of 1870) rewards granted to chowkeedars or midwives for the faithful discharge of their duties under the law, or for particularly meritorious conduct in furtherance of the measures of Government. Any marks of the approbation of Government, such as a medal or shawl, &c., to the heads of families that may distinguish themselves by preserving daughters alive, will also be defrayed from the same source.

INFORMATION, ALARMING.

It should be a rule with all authorities that no information calculated to give alarm should be passed on without due consideration of its nature, character, and probable credibility, and without such information being placed in a clear and distinct manner before the authority for whom the communication is intended.

INOCULATION.

Schedule of Offences punishable under Act XXIV of 1868.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
1	Whoever produces or attempts to produce in any person, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to anything impregnated therewith, or who wilfully by any other means produces the disease of small-pox in any person.	Any person.	N. C.	S.	B.	Imprisonment for a term not exceeding three months, or to fine not exceeding two hundred Rupees, or to both.	Any Magistrate.	III. Whenever an offender is sentenced to pay a fine under this Act, the convicting Magistrate may award any portion not exceeding one-half of such fine to the person on whose information the offender has been convicted. * Only to Kumaon and Gurhwál.
2	If any person having been inoculated with the small-pox in a place to which this Act does not extend, shall afterwards enter any place to which this Act extends,* before the date of forty days from the date of such inoculation, or without a certificate from a qualified medical officer, that such person is no longer likely to cause contagion.	"	"	"	"	Ditto	Ditto.	

INQUESTS—PUNJAB.

Circular 56 of 1861, *dated 24th July.*—In continuation of Circular 29 of 30th May last, I have the honor to append for the guidance of Police officers certain rules laying down the course to be followed by the Police in cases of unnatural or sudden death :—

Rules for conducting Inquests.

Section 133 of the Criminal Procedure Code orders that "the officer in charge of a Police-station, on receiving notice or information of the unnatural or sudden death of any person, shall immediately give intimation thereof to the nearest Magistrate, and proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted. The report shall be signed by such Police officer and other persons, or by so many of them as shall concur therein, and shall be forthwith forwarded to the Magistrate of the District, or Magistrate of the Division of the District. When there is any doubt regarding the cause of death, the Police officer shall forward the body with a view to its being examined to the nearest Civil Surgeon, if the state of the weather and distance will admit of its being so forwarded without or other medical officer appointed in the behalf by the Local Government, risk of putrefaction on the road."

The subject naturally is divided into two heads—1*st*, *sudden but otherwise natural deaths*; 2*nd*, *unnatural deaths.*

Of sudden Deaths.—The officer in charge of the Police-station will proceed to the spot, and having obtained two or more respectable inhabitants as witnesses, will proceed to make enquiry and reduce the same to writing. If the death is natural, the evidence establishing the cause of death will be recorded, and a description of the body also entered in the report, which will be signed by the officer and the witnesses, if they agree in it. A copy of this report will be made in the miscellaneous book, and the original transmitted to the District Superintendent for the perusal of the Magistrate. In cases of doubt the rules laid down in the succeeding paragraphs for procedure on the occurrence of unnatural deaths should be adopted. Where no doubt exists the body will be given over to the relatives to bury.

Unnatural Deaths.—In cases occurring at the sudder station, it is very advantageous to obtain the Civil Surgeon's presence to assist in the enquiry; a report should therefore be at once sent to that officer stating the fact of the death, and where the body lies, adding to what extent it is decomposed, and stating that the examination of the body by the Police will not commence until it is known whether he will come or not.

The report having been sent to the Surgeon, the Police should make a careful plan of the place, marking in it where the body lies, and be careful to do this before touching the body. If the body lying untouched waiting for the Surgeon, on the spot where death occurred, is an inconvenience to the public, or if the body is in the highway, or in a public place, where its remaining attracts a crowd, causing possibly a popular tumult, then the body, after an accurate description of it has been taken, in one of the annexed forms, must be moved to the nearest place, where it can be unexposed to the public view; care should be taken in thus moving it to disarrange the position of death as little as possible.

If the body does not lie in any of the places above objected to, then it must on no account be touched.

It is a great object that the Surgeon should see it exactly in the posture it assumed when death occurred. No crowding round the spot should be permitted, as thereby all marks of footsteps are obliterated. Marks of footsteps should be carefully covered up, until the trackers arrive. The Police should, in comparing a shoe with an impression, be careful to place the shoe *by the side* of the impression, and *not*

on it. Such comparisons should be made with the shoes of both feet; several of these comparisons should be made, and if possible in the presence of witnesses; the peculiarities of the footmarks discovered, their correspondence with the shoes supposed to have made them, &c., should be pointed out on the spot, and committed to paper; a mere similarity in the sole of a shoe with a footmark is of no value in evidence: some peculiarity that is striking must be detected. The Police must be prepared on the arrival of the Surgeon to inform him briefly of all the facts of the case known to them. When the Surgeon has completed his examination, then the Police officer will arrange for the disposal of the body as the Surgeon may direct, but before doing so he will prepare an inquest paper for transmission to the District Superintendent. If it is a case of death by violence or poisoning, he will use one of the forms here annexed, as the first page of his report; the respectable witnesses alluded to in the act should sign this. If the Surgeon orders the body to be sent into the hospital, the Police will escort it in, allowing no one to touch it except the men employed for such purpose. Before sending the body in, the Police officer will make a careful register of all clothes and ornaments on the body, he will remove all, except a strip round loins, and will so fasten and securely seal them up that they will reach the District Superintendent in safety. Great care must be taken in doing this; it is often of the greatest importance, and the means of obtaining most valuable evidence; great care must also be used in removing the clothes without destroying them, or so injuring them as to render them unrecognizable by the friends of the deceased. On arrival at the dead-house the Police will deposit the body, and report its arrival to the Surgeon, the Police shall watch the corpse until it is no longer required for the ends of justice.

It happens occasionally that a corpse is so decomposed when sent in by the Police, that the clothing adheres to it so tenaciously that it cannot be removed in order to be securely sealed up, as prescribed in Circular 56 of 1861, yet the clothing is in a sufficient state of preservation to admit of its being identified, therefore, it is necessary to guard against its being fraudulently destroyed, which might occur if the body remained unwatched in the dead-house, lest most valuable evidence should disappear.

In sending in the ornaments, &c., to the District Superintendent, the rules relating to the custody of property must be strictly adhered to.

I.—Clothes which actually cover the body, or which are stained with blood, should not be removed from the corpse, but they should be labelled, numbered, and described in the report sent in with the deceased. Ornaments and loose or detached articles of clothing should be sealed up and sent in with a notice in the report.

II.—Leafy boughs should be placed over the corpse to keep off the flies.

III.—Articles found lying near the body to be carefully fastened up, sealed and labelled (as No. 1).

If the case occurs beyond the distance within which the Civil Surgeon may be expected to attend, then the Police officer will conduct an inquest in the manner before noted, heading his report with the appropriate form applicable to the case, and obtaining the signature of the witnesses to the paper. A report will be submitted as ordered in cases of sudden death (see above.) The original report and the body in (cases of doubt) should be sent into the sudder to the District Superintendent, who will at once send it on to the Civil Surgeon for examination, stating the facts known in a docket, and making such enquiries as he deems necessary. It is important that the same constable should accompany the body from the site of inquest, till it is made over to the Civil Surgeon, to prevent any mistake as to identity.

In the inquest the Deputy Inspector should look well to such of the points noted for observation in cases occurring at the sudder, as apply to the facts under investigation. When sending the body into the sudder, the Police officer will not remove from the body any probable cause of death, such as a rope or cloth used to effect strangulation; but he will remove all clothes and ornaments, sending them, as before, to the District Superintendent. In cases of hanging, the material used to effect the deed should never be removed from the neck; the body should be

merely dispossessed of clothes and ornaments, a strip of cloth being left over the loins. Notice should be particularly taken in cases of hanging, of the mode in which the other end of the rope was attached to the support. Much may often be elicited from the mode in which it is fastened.

The responsibility of the Police in cases thus sent in, ceases when the body is deposited in the dead-house of the sudder station, and its arrival duly reported to the Civil Surgeon.

Strong doolies are provided by the Judicial Department, together with a supply of charcoal at each Police-station and first class outpost: expense of carriage defrayed by Judicial Department—*Panjab C. O., pp.* 176, 177.

Unnatural Deaths in Jails.

I. On the occurrence of an unnatural or sudden death within the walls of a prison, it shall be the duty of the darogah at once to report the occurrence to the officer of the Police guard, who shall, for the above purpose, be deemed in charge of a Police-station.

II. The Police officer will at once send intimation of the occurrence to the District Superintendent, or officer carrying on the duties of the District officer in the station; and will proceed within the jail enclosure, and take charge of the deceased's body, pending instructions.

III. The District officer will, on receipt of the intimation, proceed himself, or depute another judicial officer to proceed to the jail, and hold an inquest into the circumstances of the deceased's death.

IV. The officer in charge of the jail, when reporting the circumstances of the occurrence to the Inspector-General of Prisons, should invariably furnish a copy of the finding by the Magistrate who conducted the inquest.

V. It should be considered a standing order that, on the occurrence of unnatural or sudden death in jail, the body is, if possible, to be left in the same position in which it is found, until the arrival of the Magistrate or medical officer.

VI. In all cases care must be taken to use clean vessels for the reception of vomited matter, excreta, &c., and the jars containing such substances must be securely tied down, sealed and labelled, to prevent the possibility of their being tampered with—*Punjab P. C.* 24 *of* 1869.

Circular 12 of 1866 points out the necessity of having witnesses to prove that the body examined by the medical officer was that of the murdered person forwarded from the out-station. The witness should be some relation of the deceased, or if no relation, one or two of the witnesses to the inquest, failing these a Police officer should be sent in charge of the body. Substitution of dead bodies one for another is not unknown as an expedient to hoodwink justice—*See Chevers' Medical Jurisprudence, pp.* 69, *&c.*

IRRIGATION EMBANKMENTS.

Schedule of Offences punishable under Act XXXII of 1855.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
15	Wilfully obstructing any duly authorised person in removing or levelling any embankment, house, hut, or other building.	Any person.	N. C.	S.	B.	Imprisonment not exceeding six months, with or without labor, or to fine not exceeding two hundred Rupees (if not paid, to imprisonment not exceeding six months) or to both.	Any Magistrate.	"Embankment" means an embankment for the purpose of excluding or retaining water; and every embankment which is now kept up, or may hereafter be kept up, by the officers of Government, at the expense either of Government or of any private person, is a public embankment.
16	Wilfully, and without due authority, cutting through, or attempting to cut through, any embankment, whether public or private, or destroying or attempting to destroy any such embankment, or opening any sluice or water-course in any such embankment.	"	C.	"	"	Imprisonment not exceeding one year, with or without labor, or fine not exceeding two hundred Rupees (if not paid, imprisonment not exceeding one year), or both; or, if the Magistrate be of opinion that such punishment is insufficient for the offence, he may commit the offender to the Sessions Court, in which case he shall be liable, on conviction, to imprisonment for a period not exceeding seven years, with or without labor, or to fine, or to both.	"	
		"	"	W.	N. B.			

Schedule of Offences punishable under Act XXXII of 1855.—(Concluded.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
17	Damaging any public embankment by making any dam or other obstruction for the purpose of diverting or opposing the current of an embanked river, without the permission of the officer in immediate charge of the embankments, or by refusing or neglecting to remove any such dam or obstruction at the proper season, or by cutting or otherwise altering the banks of any embanked river, or by removing the earth from such embankment, or by grazing or by gathering any cattle or other animals on any such embankment, or by driving stakes into, or cutting or rooting out grass growing on such embankment, or by any other wilful act destroys or diminishes the efficiency of such embankment.	Any person.	N. C.	S.	B.	Simple imprisonment for a term not exceeding six months, or to a fine not exceeding two hundred Rupees, or to both.	Any Magistrate.	

N. B.—This Act applies only to Orissa and the Sunderbunds: the Act for the rest of Lower Bengal is just passing through the Council.

IRRIGATION FOR NORTHERN INDIA, *see Northern India, &c.*

JAILS, INSPECTION OF.

N. W. P. C. O. 27A of 1865.

Judges periodically to visit and inspect the district jails within their respective jurisdictions, recording at the time in the jail register any remarks as to the state of the jail and its inmates, which they may think it necessary to make, and a copy of which should at once be forwarded by the officer in charge of the jail to the Inspector-General of Prisons.

3. Lieutenant-Governor expects that Magistrates will not cease to take an interest in their jails, although they have been relieved of the direct superintendence of them; and will, when at the head-quarters of their districts, inspect their jails at least once a month.

By C. O. 2679A of 1865.—Should the Magistrate, on inspecting the jail, find anything which he thinks requires amendment, and the officer in charge of the jail does not agree with him, he should record his opinion to that effect in the jail register, a copy of which the officer in charge of the jail is bound to forward at once to the Inspector-General of Jails. The Magistrate can also himself address the Inspector-General if he thinks fit, but he ought not to issue authoritative orders to the officer in charge of the jail, as he has no power of direct interference, except under circumstances which are beyond all ordinary rules.

JAILS AND JAIL GUARDS, N. W. P.

Circular No. 9, dated 2nd April 1866.

I. The duty of the Police guard is to resist by force all attempts made to break into or out of any part of the jail, and to aid in the suppression of all violent breaches of discipline or opposition to authority on the part of the prisoners.

II. The Police guard are not to take any part in the daily routine discipline of the jail, or to assist in searching the prisoners, &c.

A modification under Circular No. 4, dated 8th February 1867.

III. They are to be kept from being brought into contact with prisoners; but a Police guard, from the detachment located at the jail, will be told off to accompany European officers inside the jail, whenever such may be desired by the jail superintendent. These personal guards, however, will never, except on very special occasions, be allowed to take their muskets inside the jail. Batons are sufficient for all ordinary purposes,

Circular No. 9 of 1866 (continued).

IV. The main gate of the jail will be guarded day and night by the Police guard. In central and 1st class prisons, double sentries will be posted during the day. In minor jails, and during night in all jails, one sentry will be sufficient.

V. In central and 1st class prisons the arms of the men off duty will be kept "piled" in the guard-room, and a special sentry will be posted over the door thereof. In minor jails the arms will be kept in the principal room occupied by the Police and be under the custody of the men off duty.

VI. During night all men off duty must be present. During day half of the men off duty must be present in the guard-room.

VII. No sentry is to be relieved except in the presence of an officer.

VIII. Every sentry is to mount guard with his musket loaded and capped.

IX. On being relieved, the sentry is to pass his loaded musket on to the relieving constable, taking in exchange the unloaded weapon.

X. The custody of all prisoners and prevention of escape are left exclusively to the jail warders, and consequently no sentries will be posted round the jail walls for the purpose of preventing escape; but, should the strength of the guard admit of it, one or more constables should, during day-time only, be placed round the jail, to prevent persons from outside communicating with or over the outer walls of the jail.

XI. District Superintendents are not on any account to allow their Police to be employed as custodians over prisoners, except at the gate. Sentries are to be strictly prohibited from interfering with prisoners or prison warders. Their duty as sentry at the gate is simply to be on the alert,—(1) to prevent a rush from the jail to the guard-room; (2) to raise alarm if a rush or outbreak is attempted; and (3) to prevent egress by keeping the prison gates closed. Any requisition made by the jail authorities contrary to this order should be immediately reported to the Inspector-General of Police.

XII. The jail gate is to be kept closed, and opened only at the request of an officer or warder of the jail. At night the gate is to be kept locked—one key to be in charge of the officer commanding the guard, and the door will on no account be unlocked, except at the requisition of the officer in charge of the jail.

XIII. The officer in command of the guard will visit the sentry at the gate twice during the night.

XIV. The Police officers and constables on duty at the main guard should never be absent from the guard-room under any pretence whatever.

XV. In the event of any attempt to break open the jail, or any other disturbances occurring, the guard will immediately be placed under arms by the officer on duty, who will at once despatch a messenger to the jailor, or other officer in charge of the jail, and his own officer. All sentries are in such cases to be loaded; but the guard is not to act until the arrival of the jailor, or officer in charge of the jail, unless to rescue and save the life of any jail official towards whom the prisoners are actually committing violence, or to drive back the prisoners in the event of their forcing the gate.

XVI. If however the prisoners should actually assault the jail officers, or attempt to break out of any particular ward or yard, and the darogah should consider that it would be dangerous to delay, and should call upon the officer commanding the guard to act, that officer shall detach a party to the spot, with orders to rescue the officers and prevent the prisoners from breaking out. The officer, on arriving at the scene of disturbance, shall give notice to the prisoners, in a loud tone of voice that, if they do not immediately submit themselves, they shall be fired upon. This warning shall (if circumstances admit of delay) be repeated thrice; and if there appear no other means of quelling the disturbance, he shall open a fire upon the refractory prisoners, which he shall be careful to stop the moment they fly or submit. On the arrival of the Magistrate, District Superintendent of Police, or other officer, the guard shall act under their orders, or under those of either of them.

XVII. As the exact place of assembly of the guard to quell disturbances will vary with the construction of particular jails, it will in each jail be made known to the guard by the officer in charge of the jail.

XVIII. On the approach of the Magistrate, the Inspector-General of Prisons, the Judge of the station, or any superior officer connected with the jail, the sentry is to stand ready, facing to his proper front, and to present arms when any such officer passes in front of him.

XIX. Sentries are to enforce firmly the orders given to them, without distinction of persons.

XX. It is the duty of all sentries to protect, as far as may be in their power, the stores and property belonging to Government, although not actually delivered to their charge.

XXI. The duties of the Police guard are to be written in the vernacular language of the district or province, and hung up in the guard-room; and officers posting sentries will be most particular in observing that the sentry relieved gives distinct and proper instruction to the relief.

XXII. Any further orders or requisitions for the performance of duties other than those here laid down will be delivered by the officer in charge of the jail to the District Superintendent of Police, or to the superior Police Inspector present in the station.

XXIII. In all matters of discipline, the guard continues under its own District Superintendent, who will relieve the jail guard as often as it appears to him advisable.

XXIV. To every jail is detached a party of Police sufficient to suppress an emeute, should it take place. The number of prisoners may be more or less: this does not alter or affect the strength of the guard, which has been fixed by the Inspector-General of Police, and received the sanction of Government.

XXV. When the Magistrate's hawalat is kept within the jail, the custody of persons confined therein devolves upon the jailor, who is, however, bound to deliver to the Police, outside the walls of the jail, all prisoners required for attendance in the Courts of the Magistrate or other judicial authority.

1. Police employed as guards over all central prisons will be changed every three months; guards over station jails once a month.

2. Deputy Inspectors-General, when at head-quarter stations, are directed to make a thorough inspection of the guards at central prisons at least once a week; the inspection will extend to an examination of their huts, bundles, and clothing, as well as their accoutrements, &c., &c. After each inspection, a verbal report will be made to the officer in charge of the prison of the result thereof, as also of any measures which he may have thought needful for the correction of any abuses, or the removal of any defects that he may have discovered.

Circular No. 45, dated 28th August 1867.

I am desired by the Inspector-General of Police to request that in future superintendents of jails may be informed in writing when any prisoner known to be a desperate character, or accused of any very heinous offence, is made over to their custody.

JOINT STOCK COMPANIES.

ACT X OF 1866.

XXIV. Every Company under this Act shall cause to be kept in one or more books a register of its members, containing the following particulars:—

(1.) The names and addresses, and the occupations, if any, of the members of the Company with the addition, in the case of a Company having a capital divided into shares, of a statement of the shares held by each member, distinguishing each share by its number; and of the amount paid or agreed to be considered as paid on the shares of each member.

(2.) The date at which the name of any person was entered in the register as a member.

XXV. Every Company under this Act, and having a capital divided into shares shall make, once at least in every year, a list of all persons who on the fourteenth day succeeding the day on which the Ordinary General Meeting, or if there is more than one Ordinary Meeting in each year the first of such Ordinary General Meetings is held, are members of the Company. Such list shall state the names, addresses, and occupations of all the members therein mentioned, and the number of shares held by each of them, and shall contain a summary specifying the following particulars:—

(1.) The amount of the capital of the Company and the number of shares into which it is divided.

(2.) The number of shares taken from the commencement of the Company up to the date of the summary.
(3.) The amount of calls made on each share.
(4.) The total amount of calls received.
(5.) The total amount of calls unpaid.
(6.) The total amount of shares forfeited.
(7.) The names, addresses and occupations of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them.

The above list and summary shall be contained in a separate part of the register, and shall be completed within seven days after such fourteenth day as is mentioned in this section, and a copy shall forthwith be forwarded to the Registrar of Joint Stock Companies.

XXXI. The register of members, commencing from the date of the registration of the Company, shall be kept at the registered office of the Company hereinafter mentioned. Except when closed as hereinafter mentioned, it shall, during business hours, but subject to such reasonable restrictions as the Company in General Meeting may impose, so that not less than two hours in each day be appointed for inspection, be open to the inspection of any member gratis, and to the inspection of any other person on the payment of one rupee or such less sum as the Company may prescribe for each inspection. Every such member or other person may require a copy of such register, or of any part thereof, or of such list or summary of members as is hereinbefore mentioned, on payment of two annas for every hundred words required to be copied.

XXXII. Any Company under this Act may, upon giving notice by advertisement in some newspaper circulating in the district in which the registered office of the Company is situated, close the register of members for any time or times not exceeding in the whole thirty days in each year.

XXXIII. Where a Company has a capital divided into shares, whether such shares may or may not have been converted into stock, notice of any increase in such capital beyond the registered capital, and where a Company has not a capital divided into shares, notice of any increase in the number of members beyond the registered number, shall be given to the Registrar, in the case of an increase of capital, within fifteen days from the date of the passing of the Resolution by which such increase has been authorised, and in the case of an increase of members within fifteen days from the time at which such increase of members has been resolved on or has taken place, and the Registrar shall forthwith record the amount of such increase of capital or members.

XXXVIII. Every Company under this Act shall have a registered office to which all communications and notices may be addressed.

XXXIX. Notice of the situation of such registered office and of any change therein shall be given to the Registrar and recorded by him. Until such notice is given, the Company shall not be deemed to have complied with the provisions of this Act with respect to having a registered office.

XL. Every Limited Company under this Act, whether limited by shares or by guarantee, shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible in the English language, and also, if the registered office be situate in a district beyond the local limits of the ordinary original civil jurisdiction of a High Court, in one of the vernacular languages used in such district, and shall have its name engraven in legible characters in such language or languages on its seal, and shall have its name mentioned in legible characters in such language or languages in all notices, advertisements and other official publications of such Company, and in all Bills of Exchange, Hundís, Promissory Notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such Company, and in all bills of parcels, invoices, receipts and letters of credit of the Company.

XLIII. Every Limited Company under this Act shall keep a register of all mortgages and charges specifically affecting property of the Company, and shall enter in such register in respect of each mortgage or charge a short description of the property mortgaged or charged, the amount of charge created, and the names of the mortgagees or persons entitled to such charge. The register of mortgages required by this section shall be open to inspection by any creditor or member of the Company at all reasonable times.

XLIV. Every Limited Banking Company and every Insurance Company, and Deposit, Provident or Benefit Society under this Act, shall, before it commences business, and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked D in the first Schedule or as near thereto as circumstances will admit, and a copy of such statement shall be put up in a conspicuous place in the registered office of the Company and in every branch office or place where the business of the Company is carried on.

Every member and every creditor of any Company mentioned in this section shall be entitled to a copy of the abovementioned statement on payment of a sum not exceeding eight annas.

XLV. Every Company under this Act and not having a capital divided into shares shall keep at its registered office a register containing the names and addresses and the occupations of its Directors or Managers, and shall send to the Registrar of Joint Stock Companies a copy of such register, and shall from time to time notify to the Registrar any change that takes place in such Directors or Managers.

Provisions for Protection of Members.

XLIX. A General Meeting of every Company under this Act shall be held once at the least in every year. A balance-sheet shall be made out in every year, and laid before the Company in General Meeting and filed with the Registrar of Joint Stock Companies, and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to Table A in the First Schedule hereto, or as near thereto as circumstances admit. And once at the least in every year the accounts of the Company shall be examined, and the correctness of the balance-sheet ascertained by one or more auditor or auditors.

LI. A Resolution passed by a Company under this Act shall be deemed to be special, whenever a Resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the Regulations of the Company, to vote, as may be present in person or by proxy (in cases where by the Regulations of the Company proxies are allowed), at any General Meeting of which notice specifying the intention to propose such Resolution has been duly given and such Resolution has been confirmed by a majority of such members for the time being entitled, according to the Regulations of the Company, to vote, as may be present in person or by proxy at a subsequent General Meeting of which notice has been duly given, and held at an interval of not less than fourteen days, nor more than one month, from the date of the meeting at which such Resolution was first passed. At any meeting mentioned in this section, unless a poll is demanded by at least five members, a declaration of the Chairman that the Resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favor of or against the same. Notice of any meeting shall, for the purposes of this section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the Regulations of the Company. In computing the majority under this section, when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the Regulations of the Company.

LIII. A copy of every Special Resolution that is passed by any Company under this Act shall be printed and forwarded to the Registrar of Joint Stock Companies, and be recorded by him.

LIV. Where Articles of Association have been registered, a copy of every Special Resolution for the time being in force shall be annexed to or embodied in every copy of the Articles of Association that may be issued after the passing of such Resolution. Where no Articles of Association have been registered, a copy of every Special Resolution shall be forwarded in print to any member requesting the same, on payment of one rupee or such less sum as the Company may direct.

LVIII. It shall be the duty of all Officers and Agents of the Company to produce for the examination of the Inspectors all books and documents in their custody or power. Any Inspector may examine upon oath or affirmation the Officers and Agents of the Company in relation to its business, and may administer such oath or affirmation accordingly.

LX. Any Company under this Act may, by a Special Resolution, appoint Inspectors for the purpose of examining into the affairs of the Company. The Inspectors so appointed shall have the same powers and perform the same duties as Inspectors appointed by the Local Government, with this exception that, instead of making their report to the Local Government, they shall make the same in such manner and to such persons as the Company in General Meeting directs. The Officers and Agents of the Company shall incur the same penalties, in case of any refusal to produce any book or document hereby required to be produced to such Inspectors, or to answer any question, as they would have incurred if such Inspectors had been appointed by the Local Government.

LXI. A copy of the report of any Inspectors appointed under this Act, authenticated by the seal of the Company into whose affairs they have made inspection, shall be admissible in any legal proceeding as evidence of the opinion of the Inspectors in relation to any matter contained in such report.

LXII. Any summons, notice, order, or other document required to be served upon the Company, may be served by leaving the same, or sending it through the post by a registered letter addressed to the Company, at their registered office; and any notice to the Registrar of Joint Stock Companies may be served by sending it to him through the post by a registered letter, or by delivering it to him, or by leaving it for him at his office.

LXIII. Every document to be served by post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof; and in proving service of such document it shall be sufficient to prove that such document was properly directed, and that it was put as a registered letter into the Post Office.

LXIV. Any summons, notice, order, or proceeding requiring authentication by the Company, may be signed by any Director, Secretary or other authorized Officer of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

LXV. Every Company under this Act shall cause Minutes of all Resolutions and Proceedings of General Meetings of the Company, and of the Directors or Managers of the Company in cases where there are Directors or Managers, to be duly entered in books to be from time to time provided for the purpose; and any such Minute as aforesaid, if purporting to be signed by the Chairman of the Meeting at which such Resolutions were passed or proceedings had, or by the Chairman of the next succeeding Meeting, shall be received as evidence in all legal proceedings. Until the contrary is proved, every General Meeting of the Company or Meeting of Directors or Managers in respect of the proceedings of which Minute have been so made shall be deemed to have been duly held and convened, and all Resolutions passed thereat or proceedings had, to have been duly passed and had, and all appointments of Directors, Managers or Liquidators shall be deemed to be valid, and all acts done by such Directors, Managers, or Liquidators shall be valid, notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

CXLII. In all proceedings under this part of this Act, every Court, Judge, and person judicially acting and all other officers, judicial or ministerial, of any Court, or employed in enforcing the process of any Court, shall take judicial notice

of the signature of any officer of any other Court, and also of the official seal of any other Court when such seal is appended to any document made, issued, or signed under the provisions of this part of the Act, or any official copy thereof.

CLXXXVII. Where any order is made for winding-up a Company by the Court, or subject to the supervision of the Court, if it appear in the course of such winding-up that any past or present Director, Manager, Officer, or Member of such Company has been guilty of any offence in relation to the Company for which he is criminally responsible, the Court may, on the application of any person interested in such winding-up or of its own motion, direct the Official Liquidators, or the Liquidators (as the case may be), to institute a prosecution for such offence, and may order the costs and expenses of such prosecution to be paid out of the assets of the Company.

CXCVI. For the purposes of this part of this Act, so far as the same relates to the description of Companies empowered to register as Companies limited by shares, a Joint Stock Company shall be deemed to be a Company having a permanent paid-up or nominal capital of fixed amount, divided into shares, also of fixed amount, or held and transferable as stock, or divided and held partly in one way and partly in the other, and formed on the principle of having for its members the holders of shares in such capital, or the holders of such stock, and no other persons; and such Company when registered with limited liability under this Act shall be deemed to be a Company limited by shares.

Schedule of Offences punishable under Act X of 1866.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
24	Any Company acting in contravention of Section 24, and every Director or Manager of a Company wilfully authorizing or permitting such contravention.	Any person.	N. C.	S.	B.	Rs. 50 for every day default continues.	Any Magistrate.	
26	Any Company under this Act having a capital divided into shares making default in complying with the provisions of the Act as regards forwarding list of members or summary as required in Section 25 to Registrar, and every Director and Manager of the Company knowingly and wilfully authorizing or permitting such default.	"	"	"	"	Ditto	"	
31	Company refusing inspection of copy or list, and every *Director and Manager of the Company knowingly authorizing or permitting such refusal* (see s. 31.)	"	"	"	"	For every refusal penalty not exceeding Rs. 50, and further penalty not exceeding Rs. 20 for every day during which refusal continues.	"	non-payment thereof, be levied by distress and sale of the penalty. may order the offender to be arrested and kept in safe custody der shall give security to the satisfaction of such officer the warrant of distress.

33	Company not giving notice as required within period required by Section 33, and every Director or Manager knowing, authorizing, or permitting such default.	"	"	"	"	Penalty not exceeding Rs. 100 for every day during which such neglect continues.	"	CCXXVII. All penalties imposed under the authority of this Act may, in case of offender's moveable property by warrant under the hand of the officer imposing the CCXXVIII. In case any such penalty shall not be forthwith paid, such officer until the return can be conveniently made to such warrant of distress, unless the offen for his appearance at such place and time as shall be appointed for the return of
34	Any Company under this Act carrying on business without having such an office.	"	"	"		Penalty not exceeding Rs. 50 per diem for every day during which such business in carried on.	"	
41	Limited Company under this Act not painting or affixing or keeping painted or affixed its name in manner directed by this Act, and every *Director, &c., as in Section* 33.	"	"	"	"	Penalty not exceeding Rs. 50 for every day during which default continues.	"	
43	Any officer of Company refusing inspection of register of mortgage as required by this section, and every *Director, &c., as in Section* 33.	"	"	"	"	Penalty not exceeding Rs. 50, and further penalty not exceeding Rs. 20 for every day default continues.	"	
43	Director, Manager, or other officer of Company knowingly and wilfully authorizing or permitting omission of such entry.	"	"	"	"	Penalty not exceeding Rs. 500.	"	
44	Company making any default in provision of Section 44, and every *Director, &c., as in Section* 33.	"	"	"	"	Penalty not exceeding Rs. 50 for every day default continues.	"	
46	Any Company under this Act, and not having a capital divided into shares making default in keeping register of Directors or Managers, or in sending copy	"	"	"	"	Penalty not exceeding Rs. 100 for every day that default continues.	"	

Schedule of Offences punishable under Act X of 1866.—(Concluded.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
	of register to Registrar, or notifying any change that takes place in such Directors or Managers, and every *Director, &c., as in Section* 33.	Any person.	N. C.	S.	B.			
49	Director or Manager knowingly and wilfully authorizing or permitting default in provisions of this section.	"	"	"	"	Penalty of Rs. 1,000.	Any Magistrate.	
53	Any Company not forwarding a copy of every special Resolution passed within 15 days from the date of its confirmation, and every *Director, &c., as in Section* 33.	"	"	"	"	Penalty not exceeding Rs. 20 for every day after expiration of 15 days.	"	
54	Any Company making any default under this section, and every *Director, &c., as in Section* 33.	"	"	"	"	Penalty not exceeding Rs. 20 for each copy in respect of which default is made.	"	can be had whereon to levy such penalty, and the same by the confession of the offender or otherwise, that he has of distress were issued, any such officer may, by warrant when the amount of penalty shall not exceed Rs. 50, and for for any term not exceeding six months in any other case, the amount of penalty.

58	Any officer or Agent refusing to produce any book or document directed to be produced by Section 58, or	"	"	"	"	Penalty not exceeding Rs. 100 for each offence.	"	
60	by Section 60.	"	"	"	"	Ditto	"	
133	Official Liquidator making default in reporting to Registrar in case of a Company being wound-up by the Court, the order that the Company be dissolved.	"	"	"	"	Penalty not exceeding Rs. 100 for every day during which he is so in default.	"	
186	Any Director, officer, or contributory of any Company wound-up under this Act, destroying, mutilating, altering, falsifying or fraudulently secreting any books, papers, writings, or securities, or making or being privy to the making of any false or fraudulent entry in any register, book of account, or other document belonging to the Company with intent to defraud or deceive any person.	"	"	"	"	Imprisonment of either description for a term which may extend to two years, and fine which may extend to Rs. 500.	Magistrate of 1st class.	
	Any person, upon any examination upon oath or affirmation authorised under this Act, or in any affidavit, deposition, or solemn affirmation in or about the winding-up of any Company under this Act, or otherwise in or about any matter arising under this Act, intentionally giving false evidence.	"	"	"	"	Imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.	Court of Session.	

CCXXIX. If upon the return of the warrant it shall appear that no sufficient distress shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer, not sufficient moveable property whereupon such penalty could be levied if a warrant under his hand, commit the offender to prison, for any term not exceeding two months any term not exceeding four months when the amount shall not exceed Rs. 100, and commitment to be determinable in each of the cases aforesaid on payment of the

JUDICIAL OFFICERS—PROTECTION OF

ACT No. XVIII OF 1850.

An Act for the protection of Judicial Officers.

For the greater protection of Magistrates and others acting judicially, it is enacted as follows:—

1. No Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court, for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction: provided that he at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of: and no officer of any Court or other person bound to execute the lawful warrants or orders of any such Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

JURISDICTION—RAILWAY.

OBSERVATIONS.—The Lieutenant-Governor observes that the question of jurisdiction on the railway line may be divided into three parts:—(*a*) jurisdiction in respect of accidents; (*b*) jurisdiction in respect of offences committed by or upon persons stationary (that is not travelling) on the line, or in respect of things stationary on the line; and (*c*) jurisdiction in respect of offences committed by persons travelling in trains, or in respect of persons and property being conveyed in trains. Each of these divisions of jurisdiction demands separate consideration.

2. (*a*)—*Accidents.*—As a general rule, the Lieutenant-Governor considers that accidents should be reported to and enquired into by the Magistrates in whose districts they occur. Enquiries into accidents are generally more lengthy in character than enquiries into offences committed; they frequently involve visits to the scene of the occurrence, and sometimes a stay of some days in the neighbourhood: while they may also involve enquiries in the neighbouring villages, and parts of the district not within the area of the railway line. There is not the same reason in the case of these enquiries as exists in the case of enquiries into offences for consulting the convenience of passengers, whether prosecutors or witnesses, by permitting the investigation to be held at a station which may be distant from the scene of the occurrence.

3. There are, however, some districts so situated that it would be highly inconvenient to require that reports of accidents should be made to the head-quarters, and the investigation conducted by an officer deputed therefrom. Such districts are Banda on the Jubbulpore branch line, and Mynpoorie and Muttra on the main line.

4. In the case of Banda, the jurisdiction has hitherto been exercised by the Magistrate of Allahabad, and the railway is too distant from either Banda itself or Kirwee to make it practicable for either the Magistrate or the Joint-Magistrate to arrive at the scene of an accident with the necessary speed. All cases of accident, therefore, occurring on the Jubbulpore branch from the borders of the Allahabad district, as far as, but not including, the station of Sutna, must continue to be within the cognizance of the Magistrate of Allahabad.

5. The portion of the main line which runs through the Mynpoorie District is far distant from the head-quarters. Jurisdiction over this portion of the line should be vested in the Magistrate of Etawah in respect of these occurrences.

6. The case of Muttra is still more cogent. The portion of the line which traverses this district is about 50 miles distant from head-quarters, and is separated

therefrom by the river Jumna. Hitherto the Allygurh authorities have exercised jurisdiction over this portion; but as the Oudh and Rohilkhund Railway has lately been added to their jurisdiction, which also extends in the opposite direction through the Boolundshuhur district, His Honor is pleased to decide that such cases shall be enquired into by the Magistrate of Agra and his subordinates.

7. With these exceptions all accidents occurring on the line will fall within the jurisdiction of the Magistrate within whose district they occur.

8. (*b*).—*Stationary Offences.*—The principle to be followed in respect of these cases is that jurisdiction should be only with officers stationed on the line. In every case where the district through which the railway passes has its head-quarters on the line jurisdiction over offences committed in the district will vest in the Magistrate and his subordinates. Where the head-quarters of the district are not on the railway, jurisdiction shall be given as follows:—

In the case of offences committed in the Ghazeepore district, the Magistrate of Mirzapore;

In the Benares district, on the main line, the Magistrate of Mirzapore—but the Magistrate of Benares will have jurisdiction over the branch line from Mogul Serai;

In the Banda district and the line, as far as Sutna, the Magistrate of Allahabad;

In the Mynpoorie district, the Magistrate of Etawah, who shall have authority to transfer jurisdiction in petty cases to the Deputy Magistrate of Shekoabad;

In the Muttra district, the Magistrate of Agra;

In the Boolundshuhur district, the Magistrate of Allygurh.

9. (*c*.)—*Offences committed in Trains.*—In respect of these no special provision is required. By Section 67, Criminal Procedure Code, an offence committed on or in respect of any property or person in any conveyance employed in a journey (which expression would clearly include a railway train) may be enquired into or determined in any district through any part of which such conveyance shall have passed in the course of the journey. Every Magistrate to whom a complaint is made has jurisdiction to hear and try the case, no matter at what part of the line the offence was committed. And all that is necessary appears to be to instruct the Railway Police to take cases reported to them to the nearest Magistrate on the line of rail.

10. It remains to consider how the jurisdiction herein set forth may best be conveyed so that no inconvenience may result from the absence of any special officer to whom it has been committed.

11. In respect to accidents great inconvenience would arise if reports could only be made to the Magistrate of the district, who might be absent from the head-quarters and at a great distance from the railway. Jurisdiction should be given to every Magistrate of the district.

12. In regard to stationary offences, they will generally be instituted by police report or complaint, in which case they may be heard by any Magistrate duly empowered under Sections 23, 25, 27 of the present Code.

13. The only offences which the Magistrate of the district alone can entertain are those where there is no complaint or police report.

14. The powers of a Magistrate, on whom jurisdiction is conferred over the railway line in another district, are the same over that portion of the line as over any portion of his own district, and similarly if his assistants are empowered under Sections 23, 25, 27, those powers extend to the portion of the line under their superior officer's jurisdiction.

15. Under the new Criminal Procedure Code (Act X of 1872), it will probably be advisable to invest all Magistrates in districts whose head-quarters are on the railway with special powers under Section 147. *

16. Cases falling under the 3rd head will almost always, it is believed, be instituted by complaint, or on the report of a police officer, and as such will be cognizable by any Magistrate empowered to receive such reports or complaints.

* This has not yet been done, but by section 2 of Act X of 1872, this notification is as valid as though it had been issued under the corresponding section of that Act.

Statement showing the Distribution of magisterial authority on the East Indian Railway Line of the North-Western Provinces, published under Section 37 of the Criminal Procedure Code, with reference to Government Resolution No. 1490*A*, *dated 2nd October* 1872.

Stations.	Districts the Officers of which will have jurisdiction in respect of accident.	Districts the Officers of which will have jurisdiction in respect of offences.
Guhmer	Ghazeepore ...	Mirzapore.
Dildarnuggur		
Zumaneah		Mirzapore on the main line.
Sukuldeah	Benares ...	Benares on the branch line from Mogul Serai.
Mogul Serai		
Benares		
Ahrowrah Road	Mirzapore ...	Mirzapore.
Chunar		
Paharee		
Mirzapore		
Gaepoora		
Nuwaee	Allahabad ...	Allahabad.
Sirsa Road		
Kurchna		
Nynee		
Allahabad		
Allahabad Fort		
Manowrie		
Bhurwaree		
Sirathoo		
Khaga	Futtehpore ...	Futtehpore.
Berhampore		
Futtehpore		
Malwah		
Mohar		
Sirsoul	Cawnpore ...	Cawnpore.
Cawnpore		
Bhowpore		
Roorah		
Jheenjuck		
Phupoond	Etawah	Etawah.
Utchulda		
Bhurtna		
Etawah		
Juswuntnuggur		
Badan	Etawah ...	Magistrate of Etawah, with authority to transfer jurisdiction in petty cases to the Deputy Magistrate of Shekoabad.
Shekoabad		
Ferozabad	Agra	Agra.
Toondla		
Agra		

Stations.	Districts the Officers of which will have jurisdiction in respect of accident.	Districts the Officers of which will have jurisdiction in respect of offences.
Burhun	Agra	Agra.
Jaleysur Road		
Hattrass	Allygurh	Allygurh.
Palee		
Allygurh		
Soomna		
Khoorja	Boolundshuhur ...	Allygurh.
Chola		
Secundrabad		
Dadree		
Ghazeeabad	Meerut	Meerut.
Jubbulpore Line. Nynee	Allahabad ..	Allahabad.
Jusra		
Seorajpore		
Burgurh		
Oonchadeek		
Manickpore		
Marcoondee		
Mujgawan		
Jetwar		
Sutna		

JUVENILE OFFENDERS.

It being desirable, in the opinion of the Lieutenant-Governor, that juvenile offenders convicted of professional crimes should be subjected to police supervision, His Honor is pleased to direct that the following procedure be observed on conviction and release of offenders of that class:—

I. If on the conviction of a juvenile criminal it appear to the Magistrate trying the case that the offender has been living by crime, consorting with bad characters, and is, or is likely to become, a professional criminal, he shall report the case to the Magistrate of the district, and the Magistrate of the district shall then order that the offender's mode of life after release be made the subject of observation. In large towns the only agency available for purposes of supervision will probably be the Police, but in the case of offenders among the rural population, His Honor is of opinion that besides supervision by the Police, the landholders might very properly be instructed to report the movements of juvenile as of any other class of criminals.

II. All juvenile convicts, whether punished by whipping or imprisonment, and whether classed as professional criminals or not, will on release be escorted to their homes by the Police, and be given up to their relations in presence of two respectable residents of the neighbourhood in which they live. Officers in charge of jails must be instructed to send notice to the District Superintendent on one day previous to the release of any juvenile offender. In the case of convicts punished by whipping, the convicting Magistrates will issue instructions through the Court Inspector.

III. The names of offenders regarding whom the District Magistrate orders periodical enquiry should be entered in Part I. of the register of released convicts

kept up at Police stations, and the Magistrate should insist upon regular report, and satisfy himself that the enquiry ordered is made judiciously and thoroughly.

IV. The subsistence allowance granted to released convicts will, in the case of juvenile offenders, be made over to the policeman who escorts them to their homes. Punj. 57, 2565 of 1872, and Bengal 10 of 1872.

In N. W. P., juveniles on release to be treated like time-expired convicts, see that head in Appendix (C. O., 1869).

KIDNAPPING.—N. W. P.

SPECIAL report of kidnapping from lawful guardianship is to be made to Commissioners and to the Deputy Inspector-General in charge of special crimes.

2. All town police, village lumberdars and chowkeedars, to be warned that immediate notice of the disappearance of any minor, as defined in the Penal Code, must be made at Police stations.

3. In such cases the Police Officer will make enquiry without delay, and will forward to the District Superintendent a descriptive roll of the minor, together with any information which may have been collected as to the probable direction in which the child may have been taken; also, a descriptive roll of any person suspected of having taken away the child. All the above information will be given by the District Superintendent in the special report.

4. The arrival of any unknown minor in a town or village will also be at once reported at the Police station; and reports of all cases in which minors are recovered, or apprehension of offenders are made, will at once be sent to Commissioners and the Deputy Inspector-General, with descriptive rolls of the minor and of the accused persons.

5. District Superintendents to keep themselves informed of the circumstances attending the commission of the crime, and to aid the Inspector-General in its suppression.

6. The Deputy Inspector-General in charge of special crimes will keep a register of all kidnapped minors, and of those recovered, as also of all accused or suspected kidnappers, and of those convicted of the crime. The subject will also receive prominent notice in his annual police report.

POLICE CIRCULAR No. 24 OF 1870.

N. W. PROVINCES, DATED ALLAHABAD, 30TH SEPTEMBER 1870.

Kidnapping by Punjabees and Sikhs employed in other Provinces than the Punjab, and transporting of girls to the Punjab.

IT is not unlikely that "kidnapping" is extensively carried on by Sikhs and Punjabees now employed in these provinces, and that possibly to them may be traced many of the cases which have hitherto baffled the Police.

The demand brisk, and the practice apparently common, I think it only reasonable to suppose that the "profession" is not confined to one district, and that much more is done in this business than we are aware of.

Every Punjabee, as a rule, has a woman of Hindoostan in his keeping, and these are employed as procuresses, and when the man cannot get leave, they act as escort to the Punjab. In future, when a Sikh or Punjabee of my district goes on leave, notice will be sent to the Superintendent of Police of the district, in order that the man's arrival may be watched; so if he does trade in girls, the fact would soon be brought to light; and, even if no recoveries are actually made, this particular trade will be rendered so unsafe that it will in all probabiltiy cease entirely.

LANGUAGE OF ACTS.

ACT I OF 1868.

WHEREAS it is expedient to shorten the language used in Acts made by the Governor-General of India in Council, and to make certain provisions relating to such Acts; It is hereby enacted as follows:—

I. This Act may be cited as "The General Clauses' Act, 1868."

II. In this Act and in all Acts made by the Governor-General of India in Council after this Act shall have come into operation,—unless there be something repugnant in the subject or context,—

(1.) Words importing the masculine gender shall be taken to include females;

(2.) Words in the singular shall include the plural, and *vice versâ;*

(3.) "Person" shall include any company, or association, or body of individuals, whether incorporated or not;

(4.) "Year" and "month" shall respectively mean a year and month reckoned according to the British calendar;

(5.) "Immoveable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth;

(6.) "Moveable property" shall mean property of every description, except immoveable property;

(7.) "Her Majesty" shall include Her heirs and successors to the Crown;

(8.) "British India" shall mean the territories for the time being vested in Her Majesty by the Statute 21 & 22 Vic., cap. 106 (*An Act for the better government of India*), other than the Settlement of Prince of Wales' Island, Singapore, and Malacca;

(9.) "Government of India" shall denote the Governor-General of India in Council, or, during the absence of the Governor-General of India from his Council, the President in Council, or the Governor-General of India alone, as regards the powers which may be lawfully exercised by them or him respectively;

(10.) "Local Government" shall mean the person authorized by law to administer executive government in the part of British India in which the Act containing such expression shall operate, and shall include a Chief Commissioner;

(11.) "High Court" shall mean the highest Civil Court of appeal in such part;

(12.) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction; but shall not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction;

(13.) "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure;

(14.) "Barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland;

(15.) "Section" shall denote a section of the Act in which the word occurs;

(16.) "Will" shall include a codicil and every writing making a voluntary posthumous distribution of property;

(17.) "Oath," "swear," and "affidavit," shall include affirmation, declaration, affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing;

(18.) "Imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code.

(19.) And in the case of any one whose personal law permits adoption, "son" shall include an adopted son; and "father" an adoptive father.

III. In all Acts made by the Governor-General of India in Council after this Act shall have come into operation:—

(1.) For the purpose of reviving, either wholly or partially, a Statute, Act, or Regulation repealed, it shall be necessary expressly to state such purpose;

(2.) For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word "from;"

(3.) For the purpose of including the last in a series of days or any other period of time, it shall be sufficient to use the word " to ;"

(4.) For the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully executing the duties of such office in the place of their superior, it shall be sufficient to prescribe the duty of the superior;

(5.) For the purpose of indicating the relation of a law to the successors of any functionaries, or of corporations having perpetual succession, it shall be sufficient to express its relation to the functionaries or corporations; and

(6.) For the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, it shall be sufficient to mention the official title of the officer at present executing such functions, or that of the officer by whom the functions are commonly executed.

IV. Whenever by any Act or Regulation now in force, or hereafter to be in force, any duty of customs or exercise, or in the nature thereof, is leviable on any given quantity, by weight, measure, or value of any goods or merchandize, a like duty shall be leviable according to the same rate on any greater or less quantity.

V. The provisions of Sections 63 to 70, both inclusive, of the Indian Penal Code, and of Section 307 of the Code of Criminal Procedure, shall apply to all fines imposed under the authority of any Act hereafter to be passed, unless such Act shall contain an express provision to the contrary.

VI. The repeal of any Statute, Act, or Regulation, shall not affect anything done or any offence committed, or any fine or penalty incurred, or any proceedings commenced before the repealing Act shall have come into operation.

VII. All Courts of Justice, whether exercising civil or any other jurisdiction, and all persons having by law or consent of parties authority to receive evidence, shall take judicial notice of all Acts and Regulations heretofore made, or hereafter to be made, by the Governor-General of India in Council, the Governor of Madras in Council, the Governor of Bombay in Council, and the Lieutenant-Governor of Bengal in Council, or by the like authority in other parts of British India, whether the same be of a public or of a private nature.

VIII. Any recital contained in any Act of the Governor-General of India in Council heretofore made, or hereafter to be made, shall be deemed by all such Courts and persons to be *primâ facie* evidence of the truth of the fact recited.

LIMITATION.

ACT IX OF 1871.

COMPUTATION OF PERIOD OF LIMITATION.

13. In computing the period of limitation prescribed for an appeal, and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence, or order appealed against or sought to be reviewed, shall be excluded.

SECOND SCHEDULE. SECOND DIVISION.

Appeals.

Description of Appeal.	Period of Limitation.	Time when Period begins to run.
152. Under Code of Criminal Procedure to any Court other than High Court.	Thirty days ...	The date of the sentence or order appealed against.
153. To High Court ...	Sixty days ...	Ditto.

Book Circular No. XIX, Central Provinces, 1871.

The endorsements (p. 689, s. 32) on copies in criminal cases should state in words as well as in figures the date on which the application for copy was filed with stamps complete, and the date on which such copy was ready for delivery to the applicant, and should be verified under the signature of the clerk of the Court, or some other responsible official.

LOCK-UP.—N. W. P.

Female prisoners to be attended by a sweeper of their own sex, but such sweeper only to be engaged when wanted, and when cost can be met from budget grant—(821*A of* 1869.)

PANJAB LOCK-UPS.

"It is the duty of the Police to guard the hawalat; and the Magistrate's Sheriff or Nazir should see to the food of the prisoners. He should have a turnkey under him, or in large places two, but no larger hawalat establishment seems necessary. The cost of food should be charged in a contingent bill in the Magistrate's department"—(*C.* 33 *of* 1861.)

* * * * * The hawalat, or lock-up, attached to the Magisterial department, belongs solely to that department; in it are detained prisoners pending trial by the orders of the Magistrate, and prisoners on remand. Police officers may not place any one in this lock-up, nor take any one out of it, without the written orders of the Magistrate. The Police guard the outside of this lock-up, and have nothing to do with the inside. A turnkey, paid by the Magisterial department, has charge of the prisoners; and the key of this lock-up must never be kept by any member of the Police department—(*C.* 103 *of* 1861.)

A sufficient supply of fresh water should be daily placed in each lock-up, the water remaining from the day previous being first invariably removed, and never allowed to stand.

Whenever it is necessary to open the door of a lock-up, the sentry must summon the senior officer present in charge of the station; the door may never be opened either to receive or to let out prisoners, or for any other reason whatever, except in his presence and by his permission. On him will rest the responsibility of the act, and of taking such measures that prisoners do not thereby have means of escape.

Sentries may on no account give themselves, or permit to be given to prisoners, any food or anything whatever, unless the senior officer present in charge of the station grants permission for such to be done. Offensive weapons or instruments for effecting escapes may be concealed in food thus given; the officer therefore granting the permission must satisfy himself such is not the case.

That lock-ups are properly ventilated, kept clean, adequately supplied daily with fresh water, and are secure, the Police officer in charge of the station will be held strictly responsible.

If lock-ups are henceforth not properly ventilated or insecure, District Superintendents will be considered specially responsible, unless they can show that all possible efforts have been made by them to remedy these defects.

A translation of this Circular will be issued; a copy to be pasted on a board, and hung up with boards of orders for sentries near every hawalat and lock-up—(*C.* 26 *of* 1864.)

"Commissioner to see that every Police lock-up is provided with one blanket, for the use of prisoners in custody of Police"—(*C. L.* 3 *of* 1865.)

Men over lock-up to be armed with swords only; unless lock-up is a small jail, then with sword and carbine: in case of a violent, dangerous, or noted criminal, carbines are sanctioned, but they should always be loaded—(*C.* 34 *of* 1867.)

LUNATICS.

ACT XXXVI OF 1858.

IV. It shall be the duty of every darogah or district Police officer to apprehend and send to the Magistrate all persons found wandering at large within his district who are deemed to be lunatics, and all persons believed to be dangerous by reason of lunacy. Whenever any such person as aforesaid is brought before a Magistrate, the Magistrate, with the assistance of a medical officer, shall examine such person, and if the medical officer shall sign a certificate in the Form A in the Schedule to this Act, and the Magistrate shall be satisfied on personal examination or other proof that such person is a lunatic and a proper person to be detained under care and treatment, he shall make an order for such lunatic to be received into the Asylum established for the division in which the Magistrate's jurisdiction is situate, or, if such lunatic is not a native of the country and the circumstances of the case so require, into a lunatic Asylum at the Presidency; and shall send the lunatic in suitable custody to the Asylum mentioned in such order. Provided that, if any friend or relative of any lunatic, who is believed to be dangerous, shall undertake in writing to the satisfaction of the Magistrate that such lunatic shall be properly taken care of, and shall be prevented from doing injury to himself or others, the Magistrate, instead of sending him to an Asylum, may make him over to the care of such friend or relative. Provided also that if any such friend or relative shall desire that the lunatic may be sent to a licensed Asylum instead of the public Asylum of the division, and shall engage in writing to the satisfaction of the Magistrate to pay the expenses which may be incurred for the lodging, maintenance, medicine, clothing, and care of the lunatic in such Asylum, the Magistrate may send the lunatic to the licensed Asylum mentioned in the engagement.

V. If it shall appear to the Magistrate, on the report of a Police officer or the information of any other person, that any person within the limits of his jurisdiction deemed to be a lunatic is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, the Magistrate may send for the supposed lunatic, and summon such relative or other person as has or ought to have the charge of him; and if such relative or other person be legally bound to maintain the supposed lunatic, the Magistrate may make an order for such lunatic being properly cared for and treated, and, if such relative or other person shall wilfully neglect to comply with the said order, may commit him to gaol for a period not exceeding one month. If there be no person legally bound to maintain the supposed lunatic, or if the Magistrate think fit so to do, he may proceed as prescribed in the last preceding section, and upon being satisfied in manner aforesaid that the person deemed to be a lunatic is a lunatic and a proper person to be detained under care and treatment, may make an order for his reception into such Asylum as aforesaid. It shall be the duty of every darogah or district Police officer to report to the Magistrate every such case of neglect or cruel treatment as aforesaid which may come to his knowledge.

X. When any relative or friend of a lunatic detained in any Asylum under the provisions in Section IV, Section V, or Section VI, of this Act, is desirous that such lunatic shall be delivered over to his care and custody, he shall make application to the Magistrate or Commissioner of Police under whose order the lunatic is detained, and the Magistrate or Commissioner of Police, if he think fit, after communication with the visitors or with one of them being a medical officer, and upon the undertaking in writing of such relative or friend to the satisfaction of the said Magistrate or Commissioner that such lunatic shall be properly taken care of, and shall be prevented from doing injury to himself or others shall make an order for the discharge of such lunatic, and such lunatic shall thereupon be discharged.

XIV. When any lunatic is sent to a licensed Asylum by order of a Magistrate or a Commissioner of Police under Section IV, Section V, or Section VI of this

Act, and when a lunatic is admitted into such Asylum under Section VII, or an order for the reception of a lunatic is made under Section VIII, and no engagement has been taken from the friends of the lunatic or order made by the Judge for the payment of expenses under the said Section VII or Section VIII respectively, the expense of the lodging, maintenance, clothing, medicine, and care of such lunatic shall be paid by the Government to the manager of such Asylum.

XV. The Magistrate or Commissioner of Police by whom any lunatic has been sent to a lunatic Asylum, if it appear to such Magistrate or Commissioner that such lunatic has an estate applicable to his maintenance and more than sufficient to maintain his family, or that any person is legally bound to maintain and has the means of maintaining such lunatic, may apply to the chief Civil Court of original jurisdiction within the local jurisdiction of which the estate of the lunatic may be situate or the person legally bound to maintain him may reside, and such Court shall enquire into the matter in a summary way, and on being satisfied that such lunatic has an estate applicable to his maintenance, or that any person is legally bound to maintain and has the means of maintaining such lunatic, shall make an order for the recovery of the charges of the lodging, maintenance, clothing, medicine, and care of such lunatic out of such estate or from such person. Such order shall be enforced in the same manner and shall be of the same force and effect and subject to the same appeal as any judgment or order made by the said Court in a regular suit in respect of the property or person therein mentioned. Any personal property which may be in the possession of a lunatic found wandering at large may be sold by the Magistrate and the proceeds thereof (or such part of the same as may be necessary) applied towards the payment of the charges of the lodging and maintenance of the lunatic, and of any other expenses incurred on his behalf.

XVI. The liability of any relative or person to maintain any lunatic shal not be taken away or affected by any provision contained in this Act.

XVIII. The word "Lunatic," as used in this Act, shall mean and include every person of unsound mind, and every person being an idiot.

The word "Magistrate" shall include a person exercising the powers of a Magistrate.

SCHEDULE.

Form A.

Certificate of Medical Officer.—*(See Sections IV and VIII.)*

I, the undersigned *(here enter name and official designation)*, hereby certify that I, on the day of at , personally examined *(here enter name and residence of lunatic)*, and that the said is a lunatic *(or an idiot, or a person of unsound mind)*, and a proper person to be taken charge of, and detained under care and treatment, and that I have formed this opinion on the following grounds, namely :—

1. Facts indicating insanity observed by myself *(here state the facts)*.
2. Other facts (if any) indicating insanity communicated to me by others *(here state the information and from whom)*.

(Signed) ————

Schedule of Offences punishable under Act XXXVI of 1858.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
5	Any relative or person legally bound to maintain a lunatic and wilfully neglecting to comply with Magistrate's order under section 5.	Any person.	N. C.	S.	B.	Imprisonment not exceeding one month.	Magistrate of 1st classs.	

MALKHANAH.

3. The general rule of law with respect to moveable property found, of which the owners cannot be discovered, is, that it belongs to the finder, who may, however, be guilty of a criminal offence by appropriating it to his own use when he knows, or has the means of finding out, or does not take reasonable means to find out, the real owner. Thus, as regards the finding of hidden treasure, consisting of gold or silver coin or bullion, or of precious stones or other valuable property, the provisions of Section 2, Regulation V, 1817,* apply. If after due notification the owner of such property may not be discoverable, such hidden treasure becomes the property of the innocent finder, provided they do not exceed in amount or value the sum of one lakh of sicca rupees. By Section 7 of the same Regulation the excess above that sum is declared to be at the disposal of Government.

4. Wrecks are, in the first instance, to be retained by the salvers, who have a special property in them by way of lien for the salvage. It is illegal for the Police to take salved wreck out of the possession of the salvers, though upon discovery of wrecked property in such possession, notice of the same should be given by the Police to the Magistrate of the district. If the owners come forward, the matter will be one for adjustment between the parties. If no owners can be found, then, subject to the salvage claims, the wrecked property belongs to the State, which may sue for its recovery in the same way as the owner might have done. Where such a course is necessary, the Magistrate should give notice to the Collector, who will take the necessary legal proceedings.

5. With these exceptions, moveable property found in the possession of any private person and not claimed, is the property of the innocent finder.

6. The provisions of Sections 25—27, Act V, 1861, will still apply to all unclaimed property of which any officer of the Police may be the finder.

7. The provisions of Sections 415—417 of the Criminal Procedure Code will also apply to the seizure by the Police of property in the possession of any person where such property is alleged or suspected to have been stolen, or seized, under circumstances which create suspicion of the committal of any offence. But in such a case if no claimant appears within the six months prescribed by Section 407, and the person in whose possession such property was found be able to show that it was innocently found by him, it should be restored to him.

8. The right of the State to property which is left by deceased persons, and to which there is no claimant, stands on different grounds, and is not the subject of these orders.

MARRIAGE ACT, INDIAN CHRISTIAN.

ACT III OF 1872——UNIVERSAL.

It extends to the whole of British India, and, so far only as regards Christian subjects of Her Majesty, to the territories of Native Princes and States in alliance with Her Majesty; and it shall come into force on the passing thereof.

2. The enactments specified in the fifth schedule hereto annexed are repealed, but not so as to invalidate any marriage confirmed by, or solemnized under, any such enactment.

And all appointments made, licenses granted, consents given, certificates issued, and other things duly done under any such enactment, shall be deemed to be respectively made, granted, given, issued, and done under this Act.

For clause XXIV of section nineteen of the Court Fees Act, 1870, the following shall be substituted:—

* See Hidden Treasure.

'xxiv. Petitions under the Indian Christian Marriage Act, 1872, sections forty-five and forty-eight.'

3. In this Act, unless there is something repugnant in the subject or context.—

"Church of England" and "Anglican" mean and apply to the Church of England as by law established.

"Church of Scotland" means the Church of Scotland as by law established;

"Church of Rome" and "Roman Catholic" mean and apply to the Church which regards the Pope of Rome as its spiritual head;

"Church" includes any chapel or other building generally used for public Christian worship;

"Minor" means a person who has not completed the age of twenty-one years, and who is not a widower or a widow.

"Native State" means the territories of any Native Prince or State in alliance with Her Majesty;

The expression "Christians" means persons professing the Christian religion.

And the expression "Native Christians" includes the Christian descendants of Natives of India converted to Christianity, as well as such converts.

PART I.

The Persons by whom Marriages may be solemnized.

4. Every marriage between persons, one or both of whom is a Christian or Christians, shall be solemnized in accordance with the provisions of the next following section; and any such marriage solemnized otherwise than in accordance with such provisions shall be void.

5. Marriages may be solemnized in India—

(1) by any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of which he is a Minister;

(2) by any Clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of Scotland;

(3) by any Minister of religion licensed under this Act to solemnize marriages;

(4) by, or in the presence of, a Marriage Registrar appointed under this Act;

(5) by any person licensed under this Act to grant certificates of marriage between Native Christians.

6. The Local Government may grant licenses to Ministers of religion to solemnize marriages within the territories under its administration, and may revoke such licenses.

7. The Local Government may appoint* one or more Christians, either by name or as holding any office for the time being, to be the Marriage Registrar or Marriage Registrars for any district subject to its administration.

Where there are more Marriage Registrars than one in any district, the Local Government shall appoint one of them to be the Senior Marriage Registrar.

When there is only one Marriage Registrar in a district, and such Registrar is absent from such district; or ill, or when his office is temporarily vacant, the Magistrate of the district shall act as, and be, Marriage Registrar thereof during such absence, illness, or temporary vacancy.

8. The Governor-General in Council may, by notification in the *Gazette of India*, apoint any Christian, either by name or as holding any office for the time being, to be a Marriage Registrar in respect of any district or place within the territories of any Native Prince or State in alliance with Her Majesty.

* The Chief Commissioner of Central Provinces directs (C. 4121 of 1872) all Deputy Commissioners be Registrars for their respective districts.

The Governor-General in Council may, by like notification, revoke any such appointment.

9. The Local Government or (so far as regards any Native State) the Governor-General in Council may grant a license to any Christian, either by name or as holding any office for the time being, authorizing him to grant certificates of marriage between Native Christians.

Any such license may be revoked by the authority by which it was granted, and every such grant or revocation shall be notified in the official Gazette.

PART II.

TIME AND PLACE AT WHICH MARRIAGES MAY BE SOLEMNIZED.

10. Every marriage under this Act shall be solemnized between the hours of six in the morning and seven in the evening.

Provided that nothing in this section shall apply to—

(1)—a Clergyman of the Church of England solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening under the hand and seal of the Anglican Bishop of the Diocese or his Commissary, or

(2)—a Clergyman of the Church of Rome solemnizing a marriage between the hours of seven in the evening and six in the morning, when he has received a general or special license in that behalf from the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is so solemnized, or from such person as the same Bishop has authorized to grant such license.

14. If it be intended that the marriage shall be solemnized in a private dwelling, the Minister of Religion, on receiving the notice prescribed in section twelve, shall forward it to the Marriage Registrar of the district, who shall affix the same to some conspicuous place in his own office.

15. When one of the persons intending marriage is a minor, every Minister receiving such notice shall, unless within twenty-four hours after its receipt he returns the same under the provisions of section thirteen, send by the post or otherwise a copy of such notice to the Marriage Registrar of the district, or, if there be more than one Registrar of such district, to the Senior Marriage Registrar.

16. The Marriage Registrar or Senior Marriage Registrar, as the case may be, on receiving any such notice, shall affix it to some conspicuous place in his own office, and the latter shall further cause a copy of the said notice to be sent to each of the other Marriage Registrars in the same district, who shall likewise publish the same in the manner above directed.

PART IV.

REGISTRATION OF MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION.

27. All marriages hereafter solemnized in India between persons one or both of whom professes or profess the Christian religion, except marriages solemnized under Part V or Part VI of this Act, shall be registered in manner hereinafter prescribed.

34. The person solemnizing the marriage shall forthwith separate the certificate from the marriage register book and send it, within one month from the time of the solemnization, to the Marriage Registrar of the district in which the marriage was solemnized, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar,

who shall cause such certificate to be copied into a book to be kept by him for that purpose,

and shall send all the certificates which he has received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Secretary to the Local Government.

35. Such copies shall be entered in order from the beginning to the end of the said book, and shall bear both the number of the certificate as copied, and also a number to be entered by the Marriage Registrar, indicating the number of the entry of the said copy in the said book, according to the order in which he receives each certificate.

36. The Marriage Registrar shall also add such last-mentioned number of the entry of the copy in the book to the certificate, with his signature or initials, and shall, at the end of every month, send the same to the Secretary to the Local Government.

37. When any marriage between Native Christians is solemnized under Part I or Part III of this Act, the person solemnizing the same shall, instead of proceeding in the manner provided by sections twenty-eight to thirty-six, both inclusive, register the marriage in a separate register book, and shall keep it safely until it is filled, or, if he leave the district in which he solemnized the marriage before the said book is filled, shall make over the same to the person succeeding to his duties in the said district.

Whoever has the control of the book at the time when it is filled, shall send it to the Marriage Registrar of the district, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall send it to the Secretary to the Local Government, to be kept by him with the records of his office.

PART V.

Marriages solemnized by, or in the presence of, a Marriage Registrar.

38. When a marriage is intended to be solemnized by, or in the presence of, a Marriage Registrar, one of the parties to such marriage shall give notice in writing, in the form contained in the first schedule hereto annexed, or to the like effect, to any Marriage Registrar of the district within which the parties have dwelt,

or, if the parties dwell in different districts, shall give the like notice to a Marriage Registrar of each district,

and shall state therein the name and surname and the profession or condition, of each of the parties intending marriage, the dwelling-place of each of them, the time during which each has dwelt therein, and the place at which the marriage is to be solemnized:

Provided that if either party has dwelt in the place stated in the notice for more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

39. Every Marriage Registrar shall, on receiving any such notice, cause a copy thereof to be affixed in some conspicuous place in his office.

When one of the parties intending marriage is a minor, every Marriage Registrar shall, within twenty-four hours after the receipt by him of the notice of such marriage, send, by post or otherwise, a copy of such notice to each of the other Marriage Registrars (if any) in the same district, who shall likewise affix the copy in some conspicuous place in his own office.

40. The Marriage Registrar shall file all such notices and keep them with the records of his office,

and shall also forthwith enter a true copy of all such notices in a book to be furnished to him for that purpose by the Local Government, and to be called the "Marriage Notice Book;"

and the Marriage Notice Book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

41. If the party by whom the notice was given requests the Marriage Registrar to issue the certificate next hereinafter mentioned, and if one of the parties

intending marriage has made oath as hereinafter required, the Marriage Registrar shall issue under his hand a certificate of such notice having been given and of such oath having been made:

Provided—

that no lawful impediment be shown to his satifaction why such certificate should not issue;

that the issue of such certificate has not been forbidden, in manner hereinafter mentioned, by any person authorized in that behalf by this Act;

that four days after the receipt of the notice have expired, and further,

that where, by such oath, it appears that one of the parties intending marriage is a minor, fourteen days after the entry of such notice have expired.

42. The certificate mentioned in section forty-one shall not be issued by any Marriage Registrar, until one of the parties intending marriage appears personally before such Marriage Registrar and makes oath

(*a*) that he or she believes that there is not any impediment of kindred or affinity, or other lawful hindrance, to the said marriage, and

(*b*) that both the parties have or (where they have dwelt in the districts of different Marriage Registrars) that the party making such oath has had their, his, or her usual place of abode within the district of such Marriage Registrar,

and, where either or each of the parties is a minor,

(*c*) that the consent or consents* to such marriage required by law has or have been obtained thereto, or that there is no person resident in India authorized to give such consent, as the case may be.

43. When one of the parties intending marriage is a minor, and both such parties are at the time resident in any of the towns of Calcutta, Madras and Bombay, and are desirous of being married in less than fourteen days after the entry of such notice as aforesaid, they may apply by petition to a Judge of the High Court for an order upon the Marriage Registrar to whom the notice of marriage has been given, directing him to issue his certificate before the expiration of the said fourteen days required by section forty-one.

And on sufficient cause being shown, the said Judge may, in his discretion, make an order upon such Marriage Registrar, directing him to issue his certificate at any time to be mentioned in the said order, before the expiration of the fourteen days so required

and the said Marriage Registrar, on receipt of the said order, shall issue his certificate in accordance therewith.

44. The provisions of section nineteen apply to every marriage under this Part, either of the parties to which is a minor;

and any person whose consent to such marriage would be required thereunder may enter a protest against the issue of the Marriage Registrar's certificate, by writing, at any time before the issue of such certificate, the word "forbidden," opposite to the entry of the notice of such intended marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her position with respect to either of the parties, by reason of which he or she is so authorized.

When such protest has been entered, no certificate shall issue until the Marriage Registrar has examined into the matter of the protest, and is satisfied that it ought not to obstruct the issue of the certificate for the said marriage, or until the protest be withdrawn by the person who entered it.

45. If any person whose consent is necessary to any marriage under this Part is of unsound mind,

* Section 19 of this Act provides for consent thus:—

19. The father, if living, of any minor, or, if the father be dead, the guardian of the person of such minor, and, in case there be no such guardian, then the mother of such minor, may give consent to the minor's marriage,

and such consent is hereby required for the same marriage, unless no person authorized to give such consent be resident in India.

or if any such person (other than the father) without just cause withholds his consent to the marriage,

the parties intending marriage may apply by petition, where the person whose consent is necessary is resident within any of the towns of Calcutta, Madras and Bombay, to a Judge of the High Court, or if he is not resident within any of the said towns, then to the District Judge.

And the said Judge of the High Court, or District Judge, as the case may be, may examine the allegations of the petition in a summary way.

And if upon examination such marriage appears proper, such Judge of the High Court or District Judge, as the case may be, shall declare the marriage to be a proper marriage.

Such declaration shall be as effectual as if the person whose consent was needed had consented to the marriage;

and if he has forbidden the issue of the Marriage Registrar's certificate, such certificate shall be issued and the like proceedings may be had under this Part in relation to the Marriage as if the issue of such certificate had not been forbidden.

46. Whenever a Marriage Registrar refuses to issue a certificate under this Part, either of the parties intending marriage may apply by petition, where the district of such Registrar is within any of the towns of Calcutta, Madras and Bombay, to a Judge of the High Court, or if such district is not within any of the said towns, then to the District Judge.

The said Judge of the High Court or District Judge, as the case may be, may examine the allegations of the petition in a summary way, and shall decide thereon.

The decision of such Judge of the High Court, or District Judge, as the case may be, shall be final, and the Marriage Registrar to whom the application for the issue of a certificate was originally made shall proceed in accordance therewith.

47. Whenever a Marriage Registrar resident in any Native State refuses to issue his certificate, either of the parties intending marriage may apply by petition to the Governor-General in Council, who shall decide thereon.

Such decision shall be final, and the Marriage Registrar to whom the application was originally made shall proceed in accordance therewith.

48. Whenever a Marriage Registrar, acting under the provisions of section forty-four, is not satisfied that the person forbidding the issue of the certificate is authorized by law so to do, the said Marriage Registrar shall apply by petition, where his district is within any of the towns of Calcutta, Madras and Bombay, to a Judge of the High Court, or if such district be not within any of the said towns, then to the District Judge.

The said petition shall state all the circumstances of the case, and pray for the order and direction of the Court concering the same,

and the said Judge of the High Court or District Judge, as the case may be, shall examine into the allegations of the petition and the circumstances of the case,

and if, upon such examination, it appears that the person forbidding the issue of such certificate is not authorized by law so to do, such Judge of the High Court or District Judge, as the case may be, shall declare that the person forbidding the issue of such certificate is not authorized as aforesaid.

And thereupon such certificate shall be issued, and the like proceedings may be had in relation to such marriage as if the issue had not been forbidden.

49. Every person entering a protest with the Marriage Registrar, under this Part, against the issue of any certificate on grounds which such Marriage Registrar, under section forty-four, or a Judge of the High Court or the District Judge, under section forty-five or forty-six, declares to be frivolous and such as ought not to obstruct the issue of the certificate, shall be liable for the costs of all proceedings in relation thereto and for damages to be recovered by suit by the person against whose marriage such protest was entered.

50. The certificate to be issued by the Marriage Registrar under the provisions of section forty-one shall be in the form contained in the second schedule to this Act annexed, or to the like effect,

and the Local Government shall furnish to every Marriage Registrar a sufficient number of forms of certificate.

51. After the issue of the certificate of the Marriage Registrar,

or, where notice is required to be given under this Act to the Marriage Registrars for different districts, after the issue of the certificates of the Marriage Registrars for such districts,

marriage may, if there be no lawful impediment to the marriage of the parties described in such certificate or certificates, be solemnized between them, according to such form and ceremony as they think fit to adopt.

But every such marriage shall be solemnized in the presence of some Marriage Registrar (to whom shall be delivered such certificate or certificates as aforesaid) and of two or more credible witnesses besides the Marriage Registrar.

And in some part of the ceremony each of the parties shall declare as follows or to the like effect:—

"I do solemnly declare that I know not of any lawful impediment why I, *A B.*, may not be joined in matrimony to *C D.*"

And each of the parties shall say to the other as follows or to the like effect:—

"I call upon these persons here present to witness that I, *A B.*, do take thee, *C D.*, to be my lawful wedded wife [*or husband*]."

52. Whenever a marriage is not solemnized within two months after the copy of the notice has been entered by the Marriage Registrar, as required by section forty, the notice and the certificate, if any, issued thereupon, and all other proceedings thereupon, shall be void;

and no person shall proceed to solemnize the marriage, nor shall any Marriage Registrar enter the same, until new notice has been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

53. A Marriage Registrar before whom any marriage is solemnized under this Part may ask of the persons to be married the several particulars required to be registered touching such marriage.

54. After the solemnization of any marriage under this Part, the Marriage Registrar present at such solemnization shall forthwith register the marriage in duplicate, that is to say, in a marriage register book, according to the form of the fourth schedule hereto annexed, and also in a certificate attached to the marriage register book as a counterfoil.

The entry of such marriage in both the certificate and the marriage register book shall be signed by the person by or before whom the marriage has been solemnized, if there be any such person, and by the Marriage Registrar present at such marriage, whether or not it is solemnized by him, and also by the parties married, and attested by two credible witnesses other than the Marriage Registrar and person solemnizing the marriage:

Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage register book.

55. The Marriage Registrar shall forthwith separate the certificate from the marriage register book and send it, at the end of every month, to the Secretary to the Local Government.

The Marriage Registrar shall keep safely the said register book until it is filled, and shall then send it to the Secretary to the Local Government, to be kept by him with the records of his office.

57. When any Native Christian about to be married gives a notice of marriage, or applies for a certificate from a Marriage Registrar, such Marriage Registrar shall ascertain whether the said Native Christian understands the English language, and if he does not, the Marriage Registrar shall translate, or cause to be translated such notice or certificate, or both of them, as the case may be, to such Native Christian into a language which he understands;

or the Marriage Registrar shall otherwise ascertain whether the Native Christian is cognizant of the purport and effect of the said notice and certificate.

58. When any Native Christian is married under the provisions of this Part, the person solemnizing the marriage shall ascertain whether such Native Christian understands the English language, and, if he does not, the person solemnizing the marriage shall, at the time of the solemnization, translate, or cause to be translated, to such Native Christian, into a language which he understands, the declarations made at such marriage in accordance with the provisions of this Act.

59. The registration of marriages between Native Christians under this Part shall be made in conformity with the rules laid down in section thirty-seven (so far as they are applicable), and not otherwise.

PART VI.

Marriage of Native Christians.

60. Every marriage between Native Christians applying for a certificate, shall, without the preliminary notice required under Part III, be certified under this Part, if the following conditions be fulfilled, and not otherwise :—

(1.) The age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years :

(2.) Neither of the persons intending to be married shall have a wife or husband still living :

(3.) In the presence of a person licensed under section nine, and of at least two credible witnesses other than such person, each of the parties shall say to the other—

" I call upon these persons here present to witness that I, *A B.*, in the presence of Almighty God, and in the name of our Lord Jesus Christ, do take thee, *C D.*, to be my lawful wedded wife [*or husband*]," or words to the like effect :

Provided that no marriage shall be certified under this Part when either of the parties intending to be married has not completed his or her eighteenth year, unless such consent as is mentioned in section nineteen has been given to the intended marriage, or unless it appears that there is no person living authorized to give such consent.

61. When, in respect to any marriage solemnized under this Part, the conditions prescribed in section sixty have been fulfilled, the person licensed as aforesaid, in whose presence the said declaration has been made, shall, on the application of either of the parties to such marriage, and on the payment of a fee of four annas, grant a certificate of the marriage.

The certificate shall be signed by such licensed person, and shall be received in any suit touching the validity of such marriage as conclusive proof of its having been performed.

62. A register book of all marriages of which certificates are granted under section sixty-one, shall be kept by the person granting such certificates in his own vernacular language.

Such register book shall be kept according to such form as the Local Government * from time to time prescribes in this behalf, and true extracts therefrom, duly authenticated, shall be deposited at such places as the Local Government directs.

63. Every person licensed under this Act to grant certificates of marriage, and keeping a marriage register book under section sixty-two, shall, at all reasonable times, allow search to be made in such book, and shall, on payment of the proper fee, give a copy, certified under his hand, of any entry therein.

64. The provisions of sections sixty-two and sixty-three as to the form of the register book, depositing extracts therefrom, allowing searches thereof, and giving copies of the entries therein, shall, *mutatis mutandis*, apply to the books kept under section thirty-seven.

* In Central Provinces (4121 of 1872) and Panjab (283 of 1873), the form of register and certificate prescribed in Schedule IV of this Act to be used, and extracts forwarded, by person licensed under section 9 to Magistrate of district for deposit in his office within one month from date of marriage.

65. This Part of this Act, except so much of sections sixty-two and sixty-three as are referred to in section sixty-four, shall not apply to marriages between Roman Catholics. But nothing herein contained shall invalidate any marriage celebrated between Roman Catholics under the provisions of Part V of Act No. XXV of 1864, previous to the twenty-third day of February 1865.

PART VIII.

MISCELLANEOUS.

77. Whenever any marriage has been solemnized in accordance with the provisions of sections four and five, it shall not be void merely on account of any irregularity in respect of any of the following matters, namely:—

(1.)—Any statement made in regard to the dwelling of the persons married, or to the consent of any person whose consent to such marriage is required by law:

(2.)—The notice of the marriage:

(3.)—The certificate or translation thereof:

(4.)—The time and place at which the marriage has been solemnized:

(5.)—The registration of the marriage.

78. Every person charged with the duty of registering any marriage, who discovers any error in the form or substance of any such entry, may, within one month next after the discovery of such error, in the presence of the persons married, or, in case of their death or absence, in the presence of two other credible witnesses, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of such correction, and such person shall make the like marginal entry in the certificate thereof.

And every entry made under this section shall be attested by the witnesses in whose presence it was made.

And, in case such certificate has been already sent to the Secretary to the Local Government, such person shall make and send in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

79. Every person solemnizing a marriage under this Act, and hereby required to register the same,

and every Marriage Registrar or Secretary to a Local Government having the custody for the time being of and register of marriages, or of any certificate, or duplicate or copies of certificate under this Act,

shall, on payment of the proper fees, at all reasonable times allow searches to be made in such register, or for such certificate, or duplicate or copies, and give a copy under his hand of any entry in the same.

80. Every certified copy, purporting to be signed by the person entrusted under this Act with the custody of any marriage register or certificate, or duplicate required to be kept or delivered under this Act, of any entry of a marriage in such register, or of any such certificate or duplicate, shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such register or certificate, or duplicate, or of any entry therein, respectively, or of such copy.

81. Fees shall be chargeable under this Act for—

receiving and publishing notices of marriages;

issuing certificates of marriage by Marriage Registrars and registering marriages by the same;

entering protests against, or prohibitions of, the issue of marriage certificates by the said Registrars;

searching register books or certificates, or duplicates, or copies thereof;

giving copies of entries in the same under sections sixty-three and seventy-nine.

The Local Government shall fix the amount of such fees respectively;

and may from time to time vary or remit them either generally or in special cases, as to it may seem fit.

82. The Local Government may make rules in regard to the disposal of the fees (1) mentioned in section eighty-two, the supply of register books and the preparation and submission of return of marriages solemnized under this Act.

83. The Local Government may, by notification in the official Gazette, declare who shall, in any place to which this Act applies, be deemed to be the District Judge (2).

84. The powers and functions given by this Act to the Governor-General in Council may be delegated to and exercised by such officer as the Governor-General in Council from time to time appoints in this behalf.

85. Nothing in this Act applies to any marriage performed by any Minister, Consul, or Consular Agent between subjects of the State which he represents and according to the laws of such State.

86. Nothing in this Act shall be deemed to validate any marriage which the personal law applicable to either of the parties forbids him or her to enter into.

SCHEDULE I.

(See Sections 12 *and* 38.*)*

Notice of Marriage.

To a Minister [*or* Registrar] of

I hereby give you notice that a marriage is intended to be had, within three calendar months from the date hereof between me and the other party herein-named and described (that is to say):—

Names.	Condition.	Rank or Profession.	Age.	Dwelling-place.	Length of Residence.	Church, Chapel, or Place of Worship in which the Marriage is to be solemnized.	District in which the other party resides, when the parties dwell in different Districts.
James Smith.	*Widower.*	*Carpenter.*	*Of full age.*	16, *Clive Street.*	23 *days.*	*Free Church of Scotland Church, Calcutta.*	
Martha Green.	*Spinster.*	.....	*Minor.*	20, *Hastings Street.*	*More than a month.*		

Witness my hand, this day of *seventy-two.*

(*Signed*) *JAMES SMITH.*

[The *italics* in this Schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another district.]

(1) *Central Provinces & Panjáb Fees.*

N.B.—In the Panjáb the fees are all alike and correspond to those given in this table for fees levied by Marriage Registrars, save that with regard to Head 6; the fee of Re. 1 is charged when search is made over a period not exceeding one year, and 4 annas charged for every additional year.

For what purpose levied.	To be levied			How fees to be disposed of.
	By Marriage Registrars.	By licensed Ministers.	Under Sections 37, 61, 63, & 64.	
	Rs. A. P.	Rs. A. P.	Rs. A. P.	
1.—For receiving each notice of marriage	1 0 0	1 0 0	...	Fees levied by Marriage Registrars must be paid into the Government Treasury, Fees levied by other persons may be retained by them. Marriage Registrars are authorized to remit any portion, not exceeding ¾ths of the fees in cases where they may consider the parties unable to pay.
2.—For publishing	2 0 0	2 0 0	...	
3.—For the issuing of each certificate by a Marriage Registrar	5 0 0	...	0 4 0	
4.—For registering each marriage by a Marriage Registrar	3 0 0	...	...	
5.—For every marriage forbidden or protest entered by a Marriage Registrar ...	10 0 0	...	...	
6.—For allowing a search to be made in the Marriage Register Book or for searching certificate, duplicates, or copies	1 0 0	1 0 0	0 8 0	
7.—For granting copies or duplicate of certificates ...	1 0 0	1 0 0	0 4 0	

(2) In Central Provinces and Panjáb, Commissioner of Division deemed District Judge (4121 of 1872), and in Lower Bengal, District Judge, 4-10-72.

Schedule of Offences punishable under Act III of 1872.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
15	Every person who, being at the time married, procures a marriage of himself to be solemnized under this Act, shall be deemed to have committed an offence under section four hundred and ninety-four or section four hundred and ninety-five of the Indian Penal Code, as the case may be; and the marriage so solemnized is void.	Any person.	N. C.	W.	B.; but if former marriage concealed from subsequent consort, N. B.	Imprisonment of either description for seven years and fine: if former marriage concealed from subsequent consort then imprisonment of either description for ten years and fine.	Court of Session.	
16	Every person married under this Act who during the lifetime of his or her wife or husband contracts any other marriage shall be subject to the penalties provided in sections four hundred and ninety-four and four hundred and ninety-five of the Indian Penal Code for the offence of marrying again during the lifetime of a husband or	"	"	"	"	" "	"	shall, in the presence of the Registrar, sign a declaration that he has not completed the age of twenty-one years, the of a widow, and in every case it shall be counter- certificate thereof in a book to be kept by him for in the form given in the third schedule to this Act, witnesses.

	wife, whatever may be the religion which he or she professed at the time of such second marriage.						
21	Every person making, signing, or attesting any* declaration or certificate prescribed by this Act, containing a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed guilty of the offence described in section one hundred and ninety-nine of the Indian Penal Code.	"	"	"	B.	Imprisonment of either description for seven years and fine.	"

* 10. Before the marriage is solemnized, the parties and three witnesses ration in the form contained in the second schedule to this Act. If either party declaration shall also be signed by his or her father or guardian, except in the case signed by the Registrar.

13. When the marriage has been solemnized, the Registrar shall enter a that purpose, and to be called the 'Marriage Certificate Book' under Act III of 1872, and such certificate shall be signed by the parties to the marriage and the three

MISAPPROPRIATION OF STRAYED CATTLE.

Panjáb Police Circular 20 *of* 1865.

It will be seen action is taken by the Police on the ground that possessing misappropriated property is possessing stolen property; but entries must be made of such offences in the returns as heretofore, as *found* by the Magistrate:—

"In practice, therefore, when a complaint is made at a Police-station by A, that B is in possession of his (A's) cattle which had strayed from his fields, *and that he (A) has reason to believe that the cattle were criminally misappropriated, and that B retains possession of them, knowing them to have been so*, the Police Officer may proceed with the case as falling under Section 411, Indian Penal Code, and make his investigation. If he considers that the cattle have been criminally misappropriated, or in other words, that the property is stolen, he may arrest B, as a person found with stolen property in his possession, or as a person charged with an offence (Section 411), for which a Police Officer may arrest without warrant. He may at the same time take possession of the cattle. In this way a Police Officer may act at once, without reference to a Magistrate for orders."—*J. C. C.* 788 *of* 1865.

MOHURRUM PROCESSIONS.

PANJAB.

PROCESSIONS.

Mohurrum Processions.

Circular 32 *of* 1862, *dated* 12*th June*.—During the Mohurrum, the Inspector-General desires that District Superintendents of Police will be present in those places of most importance, where the concourse is consequently greatest.

The Police arrangements must receive the greatest care and consideration; must be previously arranged with the Civil authorities, and receive the sanction of the Commissioner.

Except under the written sanction of the chief civil authority on the spot, processions of a religious nature may on no account whatever be permitted to proceed along any lines of streets or roads, but those along which such processions have in former years always proceeded; it is very important that the procedure of former years be not departed from.

The conduct of the Police must be very carefully attended to, and the instructions on that point, noted in the Circulars Nos. 22 and 37 of 1861, should be read by Police Officers.

It is incumbent on every District Superintendent, in consultation with the chief Magistrate on the spot, to make himself acquainted with the arrangements which have obtained in previous years, and to adhere to them in practice as far as possible.

Circular 22 *of* 1861, *dated* 16*th May*.—Circular 22 of 1861 points out that on such occasions the Police on duty within the limits of a fair should be armed only with the baton, and never with either a sword or bayonet.

The reserve party supplying the constables, should, if possible, be located beyond the limits of the fair. If the Police Officer deem it necessary that this reserve should have some of its members armed either with swords or muskets, care is to be taken that the arms are kept with this party, and only to be resorted to in extreme cases.

Circular 37 *of* 1861.—All grades of Police are hereby admonished of the imperative necessity of not allowing vent to their feelings under any circumstances whatever.

No notice should be taken of abusive language used to the Police. On no account should they reply, or use any irritating language, or expressions, even towards those who are offending against the laws.

The more good temper and coolness shown by the Police, whenever they are called upon to act, the more readily will all the well-disposed assist them in preserving the public peace, and securing any riotous or disorderly person.

Constables defending themselves from assault must do so with calmness, and not with violence; any instance of unnecessary violence used by them towards a party in their charge will be most severely punished.

In securing the arrest of any person, they must strive to effect their object with the least possible injury to the person arrested. A constable is not justified in using his baton merely because the party in his custody is violent in behaviour or language.

In arresting intoxicated persons, good temper, tact, and discretion are more particularly needed; and the Police are hereby reminded that the arrest of such persons is not imperative, unless they are disturbing the public peace, or rendering themselves public nuisances.

In all cases where arrest is not absolutely imperative, but where it is desirable the offender should be punished, the Police, if they know him, should note his name and residence with a view to summoning him when sober before a Magistrate. If his name is not known, and his arrest is likely to cause a serious disturbance, he should be watched until he is sober, care being taken to prevent his doing any harm to himself or others; and when he is sober he should be taken into custody.

MORTUARY RETURNS, N. W. P., 78A OF 1870.

It will be the duty of District Officers to see that these rules are fully carried out.

RULES.

I.—The unit of area for registration of deaths shall, with the exceptions following, be a Police Circle.

In towns and cities administered under the Municipal Act (No. VI of 1868) or the Chowkeedaree Act (No. XX of 1856), or in cantonments, the unit of area shall be either the area comprised within the limits of such towns, cities, or cantonments, or the mohullas, or other main quarters, into which they may be conveniently divided.

For Jails, Reformatories, or Lunatic Asylums, the units of area shall be the precincts of the institution.

II.—The Police-station or Thannah shall be a Mortuary Registration Office for the Circle.

But in Municipalities, towns administered under Act XX of 1856, and cantonments, the offices already established for the purposes of such registration, or which may hereafter be established, shall be used as Mortuary Registration Offices.

And in Jails, Reformatories, or Lunatic Asylums, the office of the Superintendent shall be the Mortuary Registration Office. Deaths in circles, for which there is a separate Registration Office, shall be excluded from the Mortuary Returns of the Police Circles.

III.—Ordinarily the Mohurrir of the Police-station or Thannah shall be Circle Registration Officer.

In Municipalities, towns administered under Act XX of 1856, and cantonments, the duty shall be performed by such officer as the Municipal Committee, Magistrate of the District, or Cantonment Committee may appoint.

And in Jails, Reformatories, or Lunatic Asylums, the Superintendent shall be Circle Registration Officer.

IV.—In Rural Circles the Village Chowkeedars shall be reporters of deaths to the Circle Registration Office.

In Municipalities and Cantonments the reports shall be made by the Municipal or Cantonment Police; in towns administered under Act XX of 1856 by the

chowkeedars of the said towns; and in Jails, Reformatories, or Lunatic Asylums, by such Officers as the Superintendent may appoint.

V.—Reports shall be made to the Circle Registration Officer, if possible, on every day on which a death takes place. But in Rural Circles, where periodical visits are paid by the chowkeedars to the Police-stations, the reports may be made at such periodical visits, but so as that interval shall not exceed a week between each report.

Monthly Form B from Police Registration Circles will be forwarded to the District Registrar through the District Superintendent of Police, who will be the sole channel of communication between Police Officers and District Registrars.

Special Rules for reporting Deaths from Cholera.

I.—When cholera appears epidemically in a district, the Circle Registration Officer, to whom deaths from cholera have been reported, shall submit a *daily* report to the District Mortuary Registrar in the following form:—

Name of Places.	Date.	Numbers of Deaths from Cholera reported.

II.—The District Mortuary Registrar shall, at the close of the day on which such reports have been received, or as soon after as possible, transmit in the same form a report of the number of deaths and places in which they have occurred to the Magistrate of the district.

For Panjáb Rules see "Epidemics."

MUNICIPAL ACT, THE PANJAB, 1873.

ACT NO. IV OF 1873.

WHEREAS it is expedient to provide for the appointment of Municipal Committees in towns in the Panjáb, and for Police conservancy, local improvements, and education in such towns, and for the levying of rates and taxes therein; It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called "The Panjáb Municipal Act, 1873."

It extends only to the territories under the Government of the Lieutenant-Governor of the Panjáb;

And it shall come into force on the passing thereof.

2. All extensions and appointments made, and all limits defined, under the said Act No. XV of 1867 shall be deemed to be respectively made and defined under this Act. And an extension of any particular provision of Act No. XV of 1867 shall be deemed to be an extension of the corresponding provision of this Act.

And all assessments, bye-laws, rules and regulations of any kind relating to matters provided for by this Act, which may heretofore have been made or approved by the Local Government, shall be deemed to have been made under this Act.

And all proceedings taken under any such assessments, bye-laws, rules and regulations shall be deemed to be as valid as if they had been taken under this Act.

3. In this Act "Committee" means a Municipal Committee under this Act.

4. The Local Government may, by notification published in the *Panjáb Gazette*, declare its intention to extend this Act, or any of its provisions, to any town in the said territories.

Any inhabitant of such town objecting to such extension may, within six weeks from the said publication, send his objection in writing to the Secretary to the Local Government, and the Local Government shall take such objection into consideration.

When six weeks from the said publication have expired, the Local Government, if no such objections have been sent as aforesaid, or (where such objections have been so sent in) if, in its opinion, they are insufficient, may, by like notification, effect the proposed extension.

5. For the purposes of this Act, the Local Government may, from time to time, by notification in the *Panjáb Gazette*, declare what shall be deemed to be a town for the purposes of this Act, and define the limits of any town to which this Act has been extended.

II.—Appointment, Duties and Powers of Committees.

6. In every town to which this Act is extended, the Local Government shall appoint, or cause to be appointed, a Committee consisting of not less than five members.

Such members may be appointed as the Local Government from time to time directs, either *ex-officio*, or by nomination, or by election, or some by one and some by any other of such methods:

Provided that (except with the approval of the Governor-General in Council) not less than two-fifths of the members of a Committee shall be persons other than salaried officers of Government.

The Local Government may—

(*a*) from time to time remove any of the members of any Committee, add to their number, and fill up vacancies occurring among them;

(*b*) determine the time and manner of the election of those members whom it may direct to be appointed by election, and the persons by whom they shall be elected, and generally make such rules as it thinks fit for regulating such election;

(*c*) appoint the President and Vice-President, or either of them, of any Committee, or authorize any Committee to appoint, by election from their number, such President, or Vice-President, or both.

No appointment under this section, other than the appointment by election of a Vice-President, shall be valid, unless and until it is notified in the *Panjáb Gazette*.

7. Subject to any general rules or special orders which the Governor-General in Council may from to time make in this behalf,

every Committee intending to impose taxes for the purpose of this Act shall, from time to time, give public notice of such intention, and shall in such notice define the persons or property within the town to be taxed for the purposes of this Act, and the amount or rate of the taxes to be imposed hereunder.

Any inhabitant of such town objecting to such notice may, within a fortnight from the date of the said notice, send his objection in writing to the President of the Committee, and the Committee shall take such objection into consideration and report their opinion thereon to the Local Government.

When a fortnight from the date of the said notice has expired, if no such objections have been sent as aforesaid, or (where such objections have been sent in) if, in the opinion of the Committee, they are insufficient, the Committee may, with the previous sanction of the Local Government, to be notified in the *Panjáb Gazette*, define the persons or property and the amount or rate of the taxes aforesaid, and may then impose such taxes accordingly.

8. The Local Government may from time to time make rules—

as to the persons by whom, and the manner in which, any assessment of taxes under this Act shall be confirmed,

and for the collection of such taxes;

and for the safety and due application of them when collected;

and for the rendering and publishing of such estimates and accounts relating to the expenditure of the Municipal Funds, in such form as it may think fit.

No tax shall be collected under this Act until the assessment thereof has been confirmed by the persons and in manner for the time being prescribed by such rules.

9. Rates and arrears of rates imposed under this Act may be recovered as if they were arrears of land-revenue.

10. All sums received by the Committee of any town to which this Act extends, and all fines levied under this Act, shall constitute a fund, which shall be called the Municipal Fund of such town, and shall, together with all property which may become vested in such Committee, be under their control, and shall be applied by them as trustees for the purposes of this Act.

11. Every Committee, so far as the Municipal Fund at their disposal permits, shall, after providing out of such fund for a police establishment in manner hereinafter mentioned,

keep the public streets, roads, drains, tanks and water-courses of the town for which they are appointed clean and repaired;

and generally, may do all acts and things necessary for the construction, repair and maintenance of local public works of general utility;

and may also make provision, by the establishment of new schools or the aiding of already existing schools or otherwise, for the promotion of education;

and may also make provision for promoting the public health, safety, comfort and convenience.

12. Every Committee shall set apart out of the Municipal Fund such sum as the Local Government from time to time requires for the maintenance of the police establishment in the town for which the Committee is appointed.

13. Every Committee may make rules for regulating—

the time and place of their meeting;

the conduct of their business;

the division of duties among the members of the Committee;

the duties, salaries, appointment, suspension and removal of the officers and servants of the Committee;

and other similar matters.

14. Any Committee may make bye-laws—

(*a*) for defining, prohibiting and abating nuisances which are not public or common nuisances under the Indian Penal Code, or under Act No. V of 1861 (*for the regulation of Police*):

(*b*) for defining the cases, manner and times in and at which the officers of the Committee may enter upon private property for the detection and abatement of nuisances:

(*c*) for securing a proper registration of births and deaths;

(*d*) and for carrying out all or any of the purposes of this Act.

The Committee may, from time to time, repeal, alter or add to any bye-laws made under this section.

15. No bye-law, and no alteration or repeal of or addition to a bye-law, shall have effect until it has been confirmed by the Local Government.

All bye-laws made under this Act, and all rules made under section thirteen, and all alterations and repeals of and additions to such bye-laws and rules shall, before coming into force, be published for such length of time, and in such manner, as the Local Government from time to time directs.

16. The officers of the Committee shall have power to enter upon private property for the detection and abatement of nuisances when the Committee shall, under section fourteen, clause (*b*), have made bye-laws regulating the exercise of such power.

17. The Local Government may, by order, suspend or limit all or any of the powers of any Committee, and may also cancel any of their proceedings, rules or bye-laws, and remit or reduce any tax which they have imposed.

III.—Suits by and against Committees.

18. Every Committee shall sue and be sued in the name of their President.

Every contract made on behalf of any Committee in respect of any sum or property exceeding twenty rupees in amount or value shall be in writing, and shall be signed by the President or Vice-President (if any) and at least two other members of the Committee.

No contract, unless so executed, shall be binding on the Committee on whose behalf it is made.

No member of a Committee shall be personally liable for any contract made or expense incurred by or on behalf of the Committee; but the funds from time to time in the hands of the Committee shall be liable for, and chargeable with, contracts duly made as aforesaid.

Every member of a Committee shall be liable for any misapplication of money entrusted to the Committee, to which he has been a party, or which happens through, or is facilitated by, his neglect of his duty;

and he shall be liable to be sued for the same in such Court as the Local Government directs as for money due to the Secretary of State for India in Council.

19. No suit shall be brought against a Committee or any of their officers, or any person acting under their direction, for anything done, or purporting to be done, under this Act, until the expiration of one month next after notice in writing has been delivered or left at the place of abode of such person, stating the cause of suit and the name and place of abode of the intended plaintiff.

Unless such notice be proved, the Court shall find for the defendant.

Every such suit shall be commenced within three months next after the accrual of the right to sue, and not afterwards.

And if any person to whom any such notice of suit is given shall, before suit brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

IV.—Penalties.

20. No member or servant of a Committee shall be interested, directly or indirectly, in any contract made with the Committee, and if any such person be so interested, he shall thereby become incapable of continuing in office or in employment as such member or servant, and shall be liable to a fine of five hundred rupees:

Provided that no person, by being a shareholder in, or member of, any incorporated or registered Company, shall be disqualified from acting as a member or servant of a Committee by reason of any contract entered into between such Company and the Committee.

Nevertheless it shall not be lawful for such shareholder or member to act as a member of the Committee in any matter relating to any contract entered into between the Committee and such Company.

21. Whoever infringes any bye-law made and confirmed as directed in this Act shall be liable to a fine not exceeding fifty rupees, and in the case of a continuing infringement, to a fine not exceeding five rupees for every day after notice from the Committee of such infringement.

In default of payment of any fine imposed under this section, the defaulter shall be liable to simple imprisonment for a term not exceeding eight days.

22. Prosecution under this Act for infringements of bye-laws may be instituted before any Magistrate by the Committee, or by any person authorized by the Committee in this behalf.

23. Fines imposed under this Act may be recovered in manner provided by the Code of Criminal Procedure.

N.B.—*Schedule of Offences punishable under this Act same as that given on p.* 1003, *save that in column* 1, *the Nos. of the sections should be* 20 *and* 21; *in column* 7, *the imprisonment for section* 21 *should be simple, and never exceed* 8 *days.*

MUNICIPAL ACT, CENTRAL PROVINCES (*see p.* 1025).

MUNICIPAL BYE-LAWS OF ALLAHABAD.

No. 5187A. of 13th December 1870.

N.B.—*These rules are quoted by Government as an example for other Municipalities to follow.*

The Lieutenant-Governor has been pleased to approve of the following rules framed by the Municipality of Allahabad for the purposes of Act VI of 1868 :—

I. Section 6—Appointment of Committee.

I.—The Committee shall consist of twenty-five members :—

Eight members shall be nominated by Government, of whom six shall be *ex-officio, viz.* :—

(1) The Magistrate of the District.

(2) The Joint or Senior Assistant Magistrate in charge of City and Civil Station.

(3) The District Superintendent of Police.

(4) The Executive Engineer.

(5) The Civil Surgeon.

(6) The Cantonment Magistrate.

Eight shall be selected for recommendation to Government by the votes of house and site-proprietors in the civil station, and of persons who, at the time of election, shall have occupied houses in the civil station at a rent of Rupees 50 per mensem and upwards for more than twelve months.

Eight shall be selected similarly from among the resident land and house-proprietors of the city and its suburbs who have been assessed, or are liable to be assessed, under the Income-tax Act for the time being, by the votes of such of the native residents in the city and its suburbs as are assessed, or liable to be assessed, under the said Act.

One shall be nominated by the Board of Agency of the East Indian Railway Company for the approval of Government.

II.—A meeting of qualified house and site-proprietors and occupants of houses in the civil station shall be held, in order to elect representatives, on the second Tuesday in April, at the place appointed by the Committee. The list of persons recommended by the majority of the meeting shall be submitted for the sanction of Government.

III.—Any house-proprietor or site-holder in the civil station paying site-tax or ground-rent to Government, or qualified occupant of a house in the civil station, shall be entitled to vote at such annual meeting, either in person or by written proxy.

IV.—No proprietor shall be allowed to vote at such meeting unless his property shall be duly registered.

V.—No registered proprietor shall be allowed to vote at any such meeting unless all arrears of rent due upon his property shall have been paid.

VI.—The native city and suburbs shall be divided, under the orders of the Committee, into four sections, for each of which two members shall be appointed.

VII.—Meetings of the residents in the native city and suburbs qualified as described in Rule I, para. 4, shall be held at the places appointed for the purpose by the Municipal Committee, on the first Tuesday, or following days, as may be necessary, in April, for the election of members for the native city and its suburbs. Lists of persons recommended by the majority of the said meetings shall be submitted for the sanction of Government.

VIII.—If, after the orders of Government appointing members of the Committee have been received, and before the term for which appointment is made has expired,

any vacancy in the Committee shall occur, the remaining members shall nominate a duly qualified person to be a member until next annual election, and report the nomination for the sanction of Government.

IX.—Non-attendance of any non-official member at three consecutive meetings, without good and sufficient reason, to be stated in writing, shall, with the sanction of Government, be held to be a disqualification for the office of member of the Committee.

X.—The Committee shall select a President and Vice-President from among their number, and report their choice for the sanction of Government.

II. Sections 11 and 12—Collection of Taxes.

(A) *Octroi.*

I.—The Collector and Magistrate of the District is entrusted with the duty of collecting all rents, taxes, penalties and dues, of whatever kind, which are at present, or may hereafter be, claimable by the Municipal Committee, with the sanction of Government.

II.—The following rules shall be observed in the collection of town duties:—

1. The Municipal Committee shall establish barriers or chowkees at all such points on the approaches to the settlement as shall seem to them necessary for the proper collection of the authorized duties.

2. It shall be the duty of the Committee to cause a copy of the schedule of such sanctioned rates of duty as are in force from time to time to be hung up in a conspicuous place at every barrier or chowkee.

3. The Committee shall also cause the rules in force for the collection of town duties to be similarly hung up at every barrier or chowkee.

4. Grain and diary produce imported by residents of the settlement from their own villages (not being dealers in such produce) beyond municipal limits, in small quantities, the duty on which does not exceed one anna, and strictly for private consumption, shall be exempted from duty when accompanied by passes from the owners.

5. Small parcels (not containing country drugs) carried by passenger trains shall be exempted when under ten seers in weight.

6. *Bonâ fide* passengers' luggage shall be exempted from duty, and when removed by passengers on their arrival shall be allowed to pass without question; but should they not be removed, but be subsequently sent for, they shall be allowed to pass on presentation of a declaration, signed by the owner, specifying the nature and number of the packages, and stating that they contain *bonâ fide* passengers' luggage.

7. All stores *bonâ fide* the property of Government at the time of their reaching any barrier or chowkee, and accompanied by a pass from an officer of the department to which they belong, shall be exempted from duty; but if they are imported into the city, civil station, or cantonments to private stores or warehouses, they shall not be exempted from duty merely because the importers hold Government contracts.

8. Articles for out-stations consigned to the agent of any steam navigation company will be passed free to the godowns of the consignee on presentation of a pass signed by him. Similar consignments of goods destined for immediate exportation, and addressed to persons residing within the settlement, shall be detained at the barrier till the production of a pass signed by the Superintendent of Town Duties, which shall be given to the consignee on his furnishing satisfactory evidence that the articles are for immediate exportation; and if such goods are not exported within forty-eight hours after passage through the barrier, duty shall be paid, subject to such drawback as may be allowed under the next following rule.

9. Any merchant bringing property within the settlement, all or a portion of which is for transmission elsewhere, must deposit a list of such property in the Town Duty Office, and, in the first place, pay duty on the whole importation. If within one month he remove the whole or any portion of the said property from the settlement, he will receive back the duty paid on the property removed. After one month no drawback will be allowed. One week's notice of the intended removal must be

given to the Superintendent of Town Duties, that he may satisfy himself that the goods are actually removed, and obtain a cheque from the President for the drawback.

10. In the case of goods consigned by railway, receipt must in all cases be shown to the clerk at the Railway Choongee office.

11. Whether goods be chargeable or not with duty, the invoice or declaration must in all cases be shown at the Choongee office, to enable the octroi officers to satisfy themselves of the nature of the goods.

12. Duty may be paid either before the arrival of a consignment or at the time of arrival. In the former case, the invoice should be sent to the Town Duty or Choongee Office at the chowk. The duty having been paid according to the quantity or value shown in the invoice, a pass will be given which will clear the consignment on its arrival. In the latter case, the invoice must be produced, and the duty paid at the barrier. If the invoice be not available, a declaration of contents and value, signed by the consignee, must be produced instead.

(B) *Hackney Carriages.*

1. Every vehicle drawn by one or more horses (ekkas excepted) which is ordinarily used for the conveyance of passengers for hire to or from any place within the limits of the settlement, shall, without regard to its form or construction, be deemed a hackney-carriage within the meaning of the rules.

2. No carriage shall be used as a hackney-carriage unless licensed by the Magistrate or other officer appointed by the Committee.

3. Hackney-carriages under these rules shall be divided into three classes.

4. If the Magistrate or other officer entrusted with the duty shall grant a license, such license shall set forth the number of the carriage, the name and residence of the proprietor, and the class to which the carriage belongs.

5. For every such license the sum of Rupees 5 for carriages of the first class, Rupees 3 for carriages of the second class, and Rupees 2 for carriages of the third class, shall be paid annually by the proprietor, and the license shall be in force for one year from the date thereof.

6. When a hackney-carriage is transferred to a new proprietor during the year, the name of such new proprietor shall, on application to that effect, be substituted in the license for the name of the former proprietor, without any further payment for that year; and every person who appears by the license to be the proprietor shall be held to be the proprietor under these rules.

7. On any hackney-carriage being licensed, the proprietor thereof shall cause the number of the license and the class thereof to be distinctly painted—for the first class in the English character anywhere on the outside of the carriage, and for the second and third classes in the English and Oordoo, upon a conspicuous part of the outside of such hackney-carriage.

(C) *Wheel-tax.*

1. Whoever (*a*) has in his possession within the limits of the Municipality a wheeled vehicle of any description, shall pay a tax of four annas per mensem for each wheel, except in the case of ekkas, which shall be taxed at four annas each per mensem.

(*a*) Clergymen only permitted to have one 4-wheeled conveyance exempt from wheel-tax.

2. For periods less than a month, but not exceeding fifteen days, the tax to be levied shall be half the tax leviable for a month; for periods exceeding fifteen days, the tax shall be levied at the full monthly rate..

3. The Committee shall cause to be delivered, at such times as may seem to them necessary, to persons known or supposed to be possessed of any vehicle, a notice calling upon such persons to declare the nature of the vehicle or vehicles,

and the number of wheels. The declaration shall be in the form annexed to these rules, and shall be filled up and returned without delay to the head office of the Municipality by the person or persons in possession of the vehicles.

4. The tax shall be payable on the expiration of the quarter for which it is due, and it shall be collected by the officer appointed by the Committee for that purpose. Any person refusing or delaying to pay on demand the tax due according to the declaration shall be held to be in arrear.

5. Any person in possession* of a vehicle or vehicles, and who has parted with the same in the course of a month, shall be bound to give notice to the Committee before the expiration of the said month. On failure to do so, such person shall not be entitled to claim exemption from the tax.

6. Any person concealing a vehicle in his possession, or otherwise evading or attempting to evade payment of the tax, shall be liable to a fine of Rs. 50, and to a continuous fine of Rs. 5 for each day such evasion or attempt may continue.

Declaration for the Purposes of No. 3 of the Rules for the Collection of the Wheel-tax in the Municipality of Allahabad.

1	2	3	4	5	6
Date.	Name.	Nature of Vehicles.	Number of Wheels.	Since when in Possession.	Amount payable at four annas per Wheel per mensem, or for Ekkas at four annas each per mensem.

I hereby certify that the above is a correct declaration of the number and nature of vehicles in my possession on the of 18

(*Signature of declarant.*)

III. Section 14—Conduct of Business.

I.—The Municipal Committee shall hold ordinary meetings on the second and fourth Tuesday in every month, for the despatch of business, at such hour and place as may from time to time be fixed by them.

II.—The President shall regulate the course of all business to be brought forward, and preserve order.

* *Possession of wheeled vehicles, whether used or not, constitutes liability.*

III.—In proposing or discussing any question, each member shall speak from his place, always addressing the President.

IV.—No member shall speak twice upon any motion or amendment, except the mover in reply, unless with the permission of the President.

V.—Votes shall be taken by show of hands, if the mover of any question demands a poll.

VI.—Every proposal or amendment shall be given in, or taken down in, writing; but unless required by the President, the proposal or amendment need not be seconded.

VII.—The final consideration of any proposal of which at least a week's previous notice has not been given by the mover to the Municipal Committee through their President and Secretary, may, on the vote of two of the members present, be postponed for disposal at a special meeting to be held within forty-eight hours.

VIII.—All questions from one member to another relating to the business of the meeting shall be put through the President.

IX.—It shall be the duty of the Secretary and President to cause a monthly account to be prepared by the Clerk of the Municipal Committee, showing in two columns under the several heads prescribed by the Department of Account the receipts and charges of the Municipality during the past month, and from the 1st April to the end of the past month.

X.—The meetings of the Municipal Committee are, as a rule, open to the public, but strangers can be requested to withdraw if it is deemed necessary by President or Vice-President.

XI.—All communications intended for the ordinary meetings must reach the Secretary not later than noon of the day previous to the meeting, and, as far as may be practicable, the President and Secretary should circulate, for the perusal and consideration of the members of the Municipal Committee, such papers as they may have received since the last meeting.

XII.—At the general meetings of electors, held according to the provisions of Rules 2, 3, 4, 5, Chapter I, the Committee shall submit their accounts of receipts and expenditure for the past year.

XIII.—Besides such Sub-Committees as may be appointed from time to time for special purposes, it shall be the duty of the Committee to appoint, by election from its own members, standing Sub-Committees of Finance and Public Works.

XIV.—It shall be the duty of the Sub-Committee of Finance to inspect the budget-estimates and accounts before they are laid before the General Committee for consideration and submission to Government; to receive and countersign all bills previous to payment, after satisfying themselves that the charges are unobjectionable, and duly sanctioned by the Municipal Committee; to supervise the working of the collecting establishment, with a view to the ready compilation of such statistical information as they may consider useful; and generally to advise the Municipal Committee on the subject of ways and means.

XV.—It shall be the duty of the Sub-Committee of Public Works to check and revise the estimates of the Engineer and Overseer before they are brought forward for the final orders of the Municipal Committee; to examine and countersign the variable Public Works establishment and contingent bills; to inspect and pass materials before they are used for any works, either by the Overseer or any Contractor; to inspect and report on completed works or repairs, and to pass them if fully approved, or to order the remedy of any defects, and to instruct the Finance Sub-Committee to suspend the final payment for such works and repairs until the defects have been actually remedied.

XVI.—Each of the two standing Sub-Committees above described shall consist of not less than five members; the Magistrate and Collector shall be *ex-officio* a member of both Committees. Each Sub-Committee shall appoint its own ordinary and occasional Chairman, and shall fix the times and places of its meetings, subject to any injunctions it may from time to time receive from the General Municipal Committee. Two members shall form a quorum of each Sub-Committee, provided

that it can be shown that the others, or so many of them as were in the settlement at the time, received notice to attend, but failed to do so.

XVII.—Each standing Sub-Committee shall record the proceedings of each of its meetings in a book, for the careful custody of which its Chairman shall be responsible; and the General Municipal Committee shall be at liberty to inspect the proceedings of any Sub-Committee whenever it may desire to do so.

XVIII.—No new works, and no repairs expected to cost more than Rs. 100, within the province of the Municipality to undertake, shall be commenced, unless the sanction of the Committee shall be given at an ordinary or special meeting; on which occasion, also, a plan and estimate of costs shall be laid before the Committee.

XIX.—Emergent repairs and works below the limit of Rs. 100 may be undertaken by the Municipal Engineer with the permission of the Sub-Committee of Public Works, and the President shall supply the necessary funds in such cases; but the circumstance shall be reported for the information of the next ordinary meeting of the Municipal Committee by the Sub-Committee of Public Works.

XX.—It shall be the duty of the Committee to cause these rules to be published in English, Oordoo, and Hindee, and distributed extensively both in the civil station and the city and bazaars, and a copy to be furnished to every proprietor in the civil station, and copies of them also to be fixed in such public places as may be necessary to ensure due publication.

For the Disposal of Land.

I.—All land reserved by Government for public purposes shall, after survey and demarcation, be distinctly marked as "reserved land" in the map of the station kept in the office of the Municipal Committee; and land thus reserved shall not be leased to private parties without permission from Government obtained through the Municipal Committee.

II.—(*a*) The register of building-sites in the civil station shall be open to the inspection of the public in the office of the Municipal Committee daily during the ordinary hours of business. There shall be added to the register, from time to time, the numbers, letter, or other recognized distinguishing marks of all new sites in the civil station which may hereafter be surveyed and marked out, with the approximate area of each of such sites.

(*b*) A register shall also be opened of sites that may hereafter be surveyed and allotted for new bazaars or markets, or for the extension of the existing city and bazaars; and the approximate area, and number, letter, or other distinguishing mark of such sites shall be duly noted in the register.

III.—The Municipal Committee shall cause leased sites to be distinguished from unallotted sites in the map kept in their office for the inspection of the public, and all existing as well as additional building-sites, both in the civil stations and in the neighbourhood of the city and bazaars, shall be marked on the map with the same letter, number, or other distinguishing mark as in the registers mentioned in Rule II. The printed form of indenture, or lease authorized by Government, shall also be shown to applicants in the office of the Municipality.

IV.—Application for building-sites should describe the ground required by the number, letter, or other distinguishing mark by which it is known in the map and registers of sites in the office of the Municipal Committee. They should be addressed to the Secretary to the Municipal Committee, and should mention the particular purpose for which the land is required.

V.—The Secretary shall lay such applications before the Municipal Committee at their next meeting; but if received within less than forty-eight hours before such meeting, the Municipal Committee may postpone their disposal of the application till the following meeting.

VI.—If the Municipal Committee consider the purpose for which the land is required to be unobjectionable with reference to its situation, they shall see that all boundary-marks are properly put up, and shall then fix an upset price of not less than one hundred rupees per acre, to be paid in addition to the annual ground-rent

of thirty rupees per acre; they shall also, with the sanction of the Commissioner of the Allahabad Division, fix the date of sale, and shall give notice of the date and hour of sale, the upset price, and the annual rent—to the applicant by letter, and to the public by advertisement in the English and Oordoo *Government Gazettes* and in an English newspaper. The advertisement shall distinctly warn intending purchasers that they will not be permitted to use the land for any purpose other than that mentioned in the application for it without the permission of the Municipal Committee, and that they will be expected to abide by the conditions mentioned in the printed form of indenture.

VII.—On the day and at the hour fixed for the sale, the land shall be sold to the highest bidder above such upset price. The purchaser shall deposit at the time of sale earnest-money at the rate of ten per cent. of the amount of the bid to which the land was knocked down. The balance of the purchase-money shall be paid by the purchaser within thirty days of the notification to him of the confirmation of the sale. In default of payment, the sale shall be null and void, and the earnest-money forfeited.

VIII.—On payment of the whole of the purchase-money, the Municipal Committee shall cause a certificate of sale to be furnished to the purchaser through their Secretary or President; and on presentation of this certificate to the Collector, the latter shall cause the printed form of indenture or lease of the land to be prepared, executed, and a duplicate of the same to be furnished to the purchaser. The date of commencement of annual rent shall be the first day of the half-year in which the sale was effected.

IX.—The Committee have the right to refuse their consent to any application made under Rule IV, but the reason of such refusal must be recorded on their proceedings.

X.—A supply of these rules, printed in English and Oordoo, shall be kept in the office of the Municipal Committee and a copy furnished to each applicant for them.

No. 5188A.

The Lieutenant-Governor is pleased to place the following sources of income at the disposal of the Municipal Committee of Allahabad:—

(1) Site-tax and ground-rents on leased lands, and grazing-dues on unleased lands in the old and new civil stations.

(2) Surplus rents of confiscated villages within the jurisdiction of the Municipal Committee.

(3) Interest on the invested proceeds of lands in the settlement sold in fee-simple.

(4) Surplus receipts of local agency placed at the disposal of the Committee by Government.

(5) Surplus proceeds of Municipal cattle-pound.

GENERAL DEPARTMENT.

No. 3421A.

Dated the 7th August 1871.

1. The following acts and omissions are, subject to the limitations hereinafter specified, hereby declared to be nuisances within the limits of the Allahabad Municipality, and are prohibited:—

CLASS A.—*Offences against the Public Health.*

1. Throwing, or without reporting the fact to the Police, during the next eighteen hours, permitting to be thrown, any filth or rubbish on to any road, or public place, or thoroughfare, or any waste or unoccupied public ground, or into any drain, except in such places and in such manner and at such time as shall or may be sanctioned by the Magistrate, with the approval of the Municipal Committee.

2. Causing or permitting the water, or any other fluid matter, from any sink, sewer, privy, urinal, or cesspool, to escape, or be thrown on to any road, or public place or thoroughfare, or into any surface drain in or by any such road, or public place or thoroughfare.

3. Constructing or keeping any latrine or urinal for public use, unless permitted to do so by the Magistrate, with the approval of the Municipal Committee; or, having been so permitted to construct or keep such privy or urinal, failing to observe and strictly carry out any rules prescribed by the Municipal Committee for the construction and management of such privy or urinal.

4. Being sole or joint owner, occupier, farmer, or lessee of any market within the limits of the Municipality, and permitting or conniving at, or neglecting to report, within eighteen hours, to the Police, the commission of any nuisance, or the infringement of any bye-law of the Municipality in any such market.

5. Removing night-soil or any other noxious or offensive matter along any public road or thoroughfare, except in carts, carriages, or vessels provided with proper covers to prevent the escape of the contents thereof, or of stench therefrom, and within such hours and by such routes as may from time to time be fixed by the Magistrate, with the approval of the Municipal Committee, or permitting such carts, carriages, or vessels, while employed in the removal of such matter, to stand on any public place or thoroughfare longer than may be necessary for the work they are intended to accomplish; or being a person employed in the removal of such matter, and failing immediately, carefully and effectually, to sweep and cleanse the place on which the offensive matter may, in the act of removal, accidently fall.

6. Being the owner or occupier of any house, building, or premises, and failing to cause to be removed therefrom, with such precautions and at such times as shall from time to time be ordered by a Magistrate or the Municipal Committee, all night-soil, dirt, refuse, rubbish, or noxious or offensive matter, or to provide receptacles for the temporary deposit of such night-soil, dirt, refuse, rubbish, or noxious or offensive matter, in such manner and in such places as may be prescribed or approved of by a Magistrate, with the sanction of the Municipal Committee.

7. Being the sole or joint occupier of any house, building, premises, or yard, and retaining for more than twenty-four hours, otherwise than in some proper receptacle, any night-soil, dirt, filth, refuse, rubbish, or noxious or offensive matter, in or upon the roof of any such house or building, or in any out-house or yard, or on any ground attached thereto, or allowing such receptacle to be in a filthy or noxious state, or neglecting proper means to remove the filth from and to cleanse and purify such receptacle.

8. Being the sole or joint owner or occupier of any house, building, premises, or land, whether tenantable or otherwise, or of any private drain, privy or cesspool, and omitting or neglecting to prevent the same or any part thereof becoming filthy or unwholesome, or overgrown with rank and objectionable vegetation, or productive of any offensive smell, or failing to cleanse, whitewash, or purify the same, as the case may require, when called upon to do so by a Magistrate or Municipal Committee.

9. Growing or maintaining within the limits of the Municipality, save under such orders as the Magistrate, with the approval of the Municipal Committee, may from time to time issue, any high crops that can, in the opinion of the Municipal Committee, be prejudicial to the public health after having been warned by a general and public or specific and personal notice not to do so.

10. Being the sole or joint owner or occupier of any land, and neglecting to remove up to a height of ten feet from the ground, the branches, twigs, or leaves of any tree growing on such land, and exceeding twenty feet in height, such branches or twigs being less than six inches in circumference at their greatest girth.

11. Keeping swine, except for private use, and in properly enclosed styes within the limits of the Municipality, without the permission of the Municipal Committee.

12. Keeping any animals so as to be a nuisance or injurious to health, or in any place in which, in the opinion of the Municipal Committee, such animals cannot be

kept without danger to the public health or convenience, or permitting or neglecting to prevent any animal or bird of a kind commonly used as food for man from eating any offal, excrement, or filth.

13. Killing any animals for public sale except at the public slaughter-house, or such place as may, on application made, be approved of by the Magistrate and the Municipal Committee, or selling, or exposing for sale, the flesh of any animal or bird which has died from natural causes, or blowing up any meat whatever, or artificially stuffing any meat with fat, or covering any meat intended for sale with a dirty cloth, or placing any meat in or on a dirty basket or board.

Indian-corn allowed to be cultivated within the limits of the civil station to the extent of 200 square yards in each site—(*Dated 9th August* 1870.)

14. Selling, or offering for sale, or conniving at the sale of, or offering for sale any milk obtained from any diseased or unsound animal fed on any offal, excrement, or filth.

15. Being the sole or joint owner, occupier, or farmer of any place used as a slaughter-house or market, and failing to keep the same from becoming filthy or unclean, or exhaling an offensive smell, or to carry out any rules that may from time to time be prescribed by the Municipal Committee for the management of slaughter-houses or markets, or slaughtering, or permitting, or conniving at, or neglecting to prevent the slaughter of any diseased or unsound animal in any slaughter-house, or place used as a slaughter-house, or neglecting, within eighteen hours, to inform the Magistrate of any diseased or unsound animal having been brought to such slaughter-house, or place used as a slaughter-house.

16. Burying or causing to be buried, burning or causing to be burned, any corpse in any place except such as has been approved of by the Municipal Committee.

17. Burying or causing to be buried any corpse, in any burial-ground within the limits of the Municipality, in a grave less than six feet, or, if constructed of masonry, less than four feet in depth, or making or causing to be made any grave in any such burial-ground at a less clear distance than two feet from any other existing grave.

18. Bringing or conveying, or in any way causing to be brought or conveyed, any corpse to any burning-ground or ghat, and failing so to burn or cause to be burned such corpse as to completely reduce it to ashes within four hours after its arrival at such burning-ground or ghât.

19. Throwing or putting, or causing to be thrown or put, any corpse or carcass into any stream or river, or off the bank or margin of such stream or river, such bank or margin being a limit or being within the limits of the Municipality.

20. Being the sole or joint proprietor, mortgagee, farmer or tenant, or occupant of any land within the Municipality, and neglecting to effectually prevent, or report to the Police within twelve hours of such commission, of any of the following nuisances by any person on such land:—

1. Performing the offices of nature.
2. Digging any pit or building any wall or fence, without permission previously obtained from the Magistrate or Municipal Committee.
3. Placing thereon any refuse, offal, or carcass.

CLASS B.—*Offences against the Public Safety.*

21. Quarrying stone or kunkur, or digging up bricks or clay or other earth, or cutting wood, or grass, or leaves, or depositing building materials on any public ground, or ground not enclosed by a serviceable fence, without having previously obtained permission of the Magistrate, with the sanction of the Municipal Committee.

22. Making any tank, hole, or excavation on any public or private ground without the permission of the Magistrate or Municipal Committee.

23. Displacing or taking up, or making any alteration in the pavement, or roadway, or fences or posts of any public road or thoroughfare, without the permission in writing of the Magistrate, with the approval of the Municipal Committee.

24. Constructing any external roof, partition, or other structure of grass, leaves, mats, or other such inflammable materials, in any place within the limits of the settlement, or stacking, storing, collecting, or placing any dry grass, straw, mats, leaves, or other inflammable material, or placing cooking-places within one hundred yards of any barrack, stable, or other building, or in any other place in which the collection or placing of inflammable materials shall have been prohibited by a Magistrate or the Municipal Committee, without having previously obtained the permission in writing of a Magistrate or the Municipal Committee.

25. Obstructing or in any way interfering with any natural or artificial drainage.

26. Riding or driving any vehicle or animal otherwise than on the left-hand side of the road, or passing any vehicle moving in the same direction otherwise than by leaving it on the left hand, or any vehicle moving in the opposite direction otherwise than by leaving it on the right hand.

27. Driving any vehicle at any time between half an hour after sunset and one hour before sunrise, without clear lights on both sides of the same, except when there may be sufficient moon-light to render such light unnecessary.

Exception.—Ekkas, bicycles, or bullock-carts may run with one light only.

28. Training or breaking in any animal, except in such places and at such times as the Magistrate or the Municipal Committee may from time to time appoint: or training any animal at any time or place which may have been prohibited by the Magistrate or the Municipal Committee.

29. Taking elephants, camels, carts, or ekkas along any public road within the limits of the Municipality during the hours (*a*) or days in which the use of such road for such purpose shall have been forbidden by the Municipal Committee.

(*a*) That part of the Fort Road which runs past Trinity Church during the hours of Divine Service, dated 28th April 1868.

Elgin, Canning, and Church Roads between 4 and 8 P.M., dated 22nd August 1871.

30. Being the parent, or person in charge of, or in any way responsible for, any child under seven years of age, and omitting, negligently or otherwise, to prevent the said child from wandering alone or with other children about any street or public place or thoroughfare, close to any vehicle that may be in or upon such public place or thoroughfare.

31. Letting loose, or allowing, or causing to stray or graze, any cattle whatsoever on any public place, except with the written permission of the Municipal Committee.

32. Storing for sale within the limits of the settlement, in any one place, more than five maunds of saltpetre, or one maund of gunpowder, or five maunds of fireworks.

33. Discharging any firearms, air guns, or fireworks, or sending up any fire-balloon, or lighting any bonfire, or flying paper or other kites, or engaging in any games which cause annoyance to the public, on or within a distance of twenty feet from any public road or thoroughfare, except with the written permission of the Magistrate or Municipal Committee.

Explanation.—Any kite flown is to be kept twenty feet from any part of any road.

CLASS C.—*Offences against Police Order or Convenience.*

34. Being the owner, joint owner, or mortgagee of any land or house, and neglecting to keep the boundary walls, fences, or other enclosures of such estate or premises in good and proper repair.

35. Commencing to build or alter any house, fence, or boundary, and having failed to give due notice in writing to the Municipal Committee of such intention to build any house or to make external additions to, or external alterations in, any existing house, fence, or boundary wall, within the limits of the settlement, and to present with such notice a sketch of the site showing the position and external dimensions of the proposed building or alteration, or neglecting to comply with any orders that may be passed thereon.

36. Picketing animals, or collecting carts on, or using as a halting or encamping-ground any place, the use of which for such purpose may be prohibited by a Magistrate or the Municipal Committee.

37. Beating any kind of drum or musical instrument at night without having obtained the permission of the Magistrate.

38. Destroying, injuring, or disturbing any sign-board, sign-post, lamp-post, lamp-bracket, or lamp, in any road or thoroughfare, or extinguishing any light therein, except in the course of prescribed duty.

39. Disobeying any rule or order made by a Magistrate or the Municipal Committee regarding the conduct of assemblies and processions in any public road or place, and the use of music in such places and on such occasions.

40. Being the keeper of any house of public resort or entertainment, and permitting, negligently or otherwise, gaming, drunkenness, or disorderly behaviour, in such house or place, or the presence therein of prostitutes or persons of notoriously bad character.

41. Cutting or injuring trees, or plucking fruits or flowers, in any public road, place, or garden, or grubbing up or cutting grass in any place other than a private compound, not being duly authorized to do so.

Class D.—*Offences against Public Decency.*

42. Being the owner, occupier—sole or joint—of any house, building or land, having a privy or urinal attached thereto, and failing to have such privy or urinal properly screened from the view of passengers or residents, or making or having any privy, or urinal, or bathing place with a door, trap-door, or drain opening on any way, street, or public place, save with the permission of the Magistrate or the Municipal Committee.

43. Performing the offices of nature in any field, or open, or unenclosed, or public place, within the limits of the settlement, not being a place specially set apart for the purpose by the Magistrate or the Municipal Committee.

44. Being the guardian or keeper of any idiot or insane person, and not preventing such idiot or insane person wandering about any street, way, or public place.

45. Bathing at any public place within the limits of the settlement at any time at which bathing at such place has been prohibited by the Magistrate or Municipal Committee.

46. Driving or using any animal which, by reason of sores or infirmity, is unfit to be so driven or used.

47. Turning into, or permitting to stray in any street, way, field, or public place, any animal which from old age, sickness, or accident has become disabled.

48. Neglecting to burn, within three hours of the death of any person dying of cholera or small-pox, any bed, chair, or the like, used by the said person during his or her illness, or neglecting to whitewash, or according to such directions (*n*) as may at any time be issued, with the sanction of the Municipal Committee, to disinfect the house or place in which such person may have died, or in which any person may have been ill of such disease, within twelve hours of his or her death, recovery, or removal.

(*n*). (*a*) All openings should be carefully closed, and one ounce common sulphur, powdered, thrown on live charcoal in a shallow vessel placed in the centre of the room; the sulphur should be allowed to burn itself out and the room kept closed for three hours.

(*b*) After the floor has been carefully scraped, and the scrapings buried, it should be sprinkled with carbolic acid, which should be allowed to dry.

Note.—Carbolic acid will be provided by the Municipality—(22*nd Augt.* 1871.)

Registration of Births, Deaths, and Marriages.

49. Being the nearest male, or in default of male, female kin above the age of fifteen or thereabout, of any person born or deceased, or of any male person married, or being a male person married, and neglecting to report such birth, death, or marriage in the way, within the time and to the person appointed by the Magistrate and the Municipal Committee.

I. *Resolved*, that the following additions be made to the Municipal Bye-laws at present in force:—

(Additional para. to Bye-law 20, *Class A.)*

"4. Accumulating building materials without permission previously obtained, and retaining them for a longer period than six months, unless sanctioned buildings are actually in progress.

(Additional Bye-law, Class A.)

"20 (*a*) Failure or omission on the part of any owner of any house, building or premises, to construct within a reasonable time, after due notice has been given to him by the Magistrate, a latrine or latrines, for the use of the persons residing thereon, according to the plan which may be prescribed by the Municipal Committee."

If any house or site proprietor shall be absent from Allahabad for more than one month, and shall not appoint an agent, a resident of Allahabad, or if, having appointed an agent, the agent refuse to act, and in consequence of such neglect or refusal any of the Municipal Bye-laws or Rules be infringed or disregarded, the Committee shall be entitled to carry out such measures as appear to them necessary for the purpose of securing the due observance of such Rules or Bye-laws, and any expense incurred by them in carrying out such measures shall be leviable from the proprietor in the manner provided by Section 35, Act V. of 1868. Where the proprietor is an absentee, and has appointed no agent for the management of his property, any work ordered by the Municipal Committee to be done may be executed under their orders, and the cost may be recovered from the tenant of the house or site, who shall, under such circumstances, have legal authority to deduct the amount from the rent due to the proprietor.

"Affixing, or causing to be put up, placards or notices on places other than those provided by the Municipal Committee."

Selling or attempting to sell or conniving at the sale of any poison or poisonous drug without the written permission of the Magistrate.

Rules regarding Licences for the manufacture of Building Materials and Pottery, within the limits of the Allahabad Municipality, revised in accordance with the Instructions contained in para. 1 *of letter No.* 1649*A of* 1872, *from Secretary to Government, N.-W. Provinces, dated* 26*th September* 1872.

No person shall burn bricks, lime, tiles, or earthenware, or make unbaked bricks without previously giving notice thereof to the Superintendent of Octroi and the Magistrate in charge of the Octroi, and taking out a licence according to the scale in force for the time being, which licence shall be valid for one calendar year from the date thereof.

2. The notice shall set forth all particulars necessary for assessing the tax, and the locality in which the manufacture is to be conducted.

3. The licensee shall give notice to the Superintendent of Octroi whenever any kiln, either of brick or lime, is ready for firing, and shall afford him or other officer or servant of the Municipality every facility in his power for measuring and estimating the contents of such kiln.

4. Any licensee making unbaked bricks, not intended to be burnt, shall inform the Superintendent of Octroi whenever 10,000 of the said bricks have been manufactured, and shall afford the same facilities for inspection as are required from licensees under the rule last preceding.

5. All licensees under Clauses 1, 3, and 4 shall keep an account, plainly and legibly written, in a book kept for that purpose only, of all materials manufactured by him, with full particulars of sales or expenditure and stock in hand; and such book shall be open to inspection by any Magistrate.

6. Should any person fail to comply with these rules, or having obtained a licence, manufacture a greater quantity of the article specified in the licence than that for which the licence is given, he shall be held to have transgressed a bye-law,

and to be punishable accordingly; and all articles manufactured in excess of the amount specified in the licence shall be forfeited to the Municipal Committee, and be at its disposal.

SCHEDULE OF RATES.

1st Grade—Pucca Bricks,—payable in full, annually, in advance:

Under,	but	not	exceeding	1	lakh in one	year, Rs.	20
Above	1	do.	do.	2	do.	do. „	40
Ditto	2	do.	do.	3	do.	do. „	60
Ditto	3	do.	do.	4	do.	do. „	80
Ditto	4	do.	do.	5	do.	do. „	100
Ditto	5	do.	do.	6	do.	do. „	120
Ditto	6	do.	do.	7	do.	do. „	140
Ditto	7	do.	do.	8	do.	do. „	160
Ditto	8	do.	do.	10	do.	do. „	200

2nd Grade—Tiles or Earthenware,—payable by quarterly instalments in advance:

Per kiln, for a period of one year Rs. 4

3rd Grade—Lime, payable in full, annually, in advance:

Manufacg.	5,000	not exceedg.	9,000 mds.	in one year Rs.	25
Ditto	10,000	but under	20,000	ditto „	50
Ditto	20,000	ditto	25,000	ditto „	100
Ditto	25,000	ditto	50,000	ditto „	125
Ditto	50,000	ditto	75,000	ditto „	250
Ditto	75,000	ditto	100,000	ditto „	325
Ditto	100,000	maunds in one year		„	500

4th Grade—Kutcha Bricks,—5 annas for every 10,000, or fraction of 10,000.

MUNICIPAL ACT.

ACT OF 1873, N. W. P. AND OUDH.

WHEREAS it is expedient to make better provision for the appointment of Municipal Committees in the North-Western Provinces and Oudh, and for the Police, conservancy and local improvements, and for education and for the levying of rates and taxes in the places to which this Act may be extended; It is hereby enacted as follows:—*

* Legitimate objects of Municipal expenditure are the construction and maintenance of schools, dispensaries (*a*), poor-houses, and such other institutions of public benefit, within the Municipal limits.

The Lieutenant-Governor is of opinion that at the least five or six per cent. of Municipal revenues, *as a mimimum*, may well be appropriated to these objects,—*i. e.*, the establishment of new schools, or securing greater efficiency in existing ones; to the provisions of scholarships; aiding in the establishment and maintenance of central or branch hospitals, and dispensaries; entertainment of vaccinators; maintenance of poor-houses, leper asylums, &c.

The Committees are no doubt aware that it was in comtemplation to bring Municipalities under contribution by means of a license-tax to meet the growing expenditure in these departments of the Provincial Service.

The license-tax is not, however, for the present to be enforced. But the obligation devolving (under the principles communicated by Her Majesty's Secretary of State) upon all classes

(*a*) Vaccinators paid by Municipal funds for the whole year round to be utilized during the month, when they cannot vaccinate, either in the dispensary or in dispensing medicine where sickness may be most prevalent—*N. W. P.*, 9 *A of* 1870.

I. This Act may be called "The North-Western Provinces and Oudh Municipalities Act, 1873."

It extends to the territories for the time being respectively under the government of the Lieutenant-Governor of the North-Western Provinces and under the administration of the Chief Commissioner of Oudh;

And it shall come into force at once.

II. Acts Nos. XVIII of 1864, XXII of 1865, XV of 1867, and VI of 1868 are repealed.

But all extensions and appointments made, and all limits defined, under any of the said Acts shall be deemed to be respectively made and defined under this Act.

And all assessments, bye-laws, rules, and regulations of any kind relating to matters provided for by this Act, which may heretofore have been made and approved by the Local Government, shall be deemed to have been made under this Act.

And all proceedings taken under any such assessment, bye-law, rule, or regulation shall be deemed to be as valid as if they had been taken under this Act.

III. In this Act, unless there be something repugnant in the subject or context—

"*Committee*" *means a Municipal Committee appointed under the provisions of this Act*;

"Municipality" means any town or towns to which this Act may be extended;

IV. The Local Government may, by notification in the local Official Gazette, declare its intention to extend this Act or any of its provisions to any town or towns in the territories under such Government.*

Any inhabitant of such town objecting to such extension may, within six weeks from the date of the said publication, send his objection in writing to the Secretary to the Local Government, and the Local Government shall take such notice into consideration.

V. *For the purposes of this Act, the Local Government may from time to time, by notification in the local official Gazette, define the limits of any town, and may include within the limits of such town any Railway station, village, building, or land in the vicinity:*

Provided that no cantonment shall, without the previous consent of the Governor-General of India in Council, be included within the limits of any town for the purposes of this Act.

The Local Government may from time to time, by notification in the local Official Gazette, declare to be united for the purposes of this Act any two or more towns, and may also declare by what name the Municipality so formed shall be designated.

to contribute towards such objects remains unaltered; and the Lieutenant-Governor would far rather see such obligations met voluntarily by Committees themselves, than by the enforced application of a law. His Honor, therefore, looks to Committees to act liberally in this matter.

The same principles apply also to towns administered under Act XX, 1856, although it is generally more difficult in such places to realize the surplus revenue necessary for such purposes—*Cir.* 9 *A of* 1871, *N. W. P.*

* *C.* 25 *of* 1868.—District Officers and Commissioners carefully to consider to what towns in their several jurisdictions the new law may profitably be applied, and from time to time make proposals accordingly. Before doing this, free and full communication should always be held with the leading and influential inhabitants of the town and vicinity concerned. As a general rule, the Act should be applied to every town at which the head-quarters of a district are situated.

3. Every recommendation for the application of the Act should be accompanied by a report containing information on the following points:—

I.—The boundaries of the proposed Municipality.

II.—The population of the town.

III.—The principal classes of inhabitants.

IV.—The amount and sources of the present Municipal income.

V.—The amount now paid and in future required for Police purposes.

VI—The proposed number and mode of appointment of non-official members, and if the appointment be by nomination, then the names and qualifications of those recommended for appointment.

VII.—The officers who should be appointed ex-officio members.

PART II.

Appointment of Municipal Committees.

VI. In any Municipality to which this Act shall have been extended, the Lieutenant-Governor may appoint or direct to be appointed by election,* for such period not exceeding two years as to him may seem fit, any number of the inhabitants of such Municipality to be members of a Committee for carrying out the purposes of the Act.

The persons so appointed shall continue in office for two years or until their successors shall have been appointed, and shall be eligible for re-appointment.

In cases where the Local Government directs the appointment to be by election, he may fix the time and manner of the election and the qualification of the electors, and generally may make such rules as he shall think fit for regulating the election.

VII. The Local Government may from time to time remove any of the members of the Committee so appointed, who shall desire to be discharged, or refuse or become incapable to act, or be convicted of an offence punishable under the Indian Penal Code with imprisonment for a term of not less than six months.

VIII. The Local Government may also, if it think fit, on the recommendation of the Committee, add to their number, and fill up vacancies occurring among them.

Every member so appointed shall have the same powers, and be subject to the same liabilities, and vacate his office, and be eligible for re-appointment, as if he had been originally appointed a member under Section six.

IX. In addition to the members appointed as aforesaid, the Local Government shall have power to appoint, by notification in the Official Gazette, ex-officio members of the Committee for every place in which they exercise their offices, and to which this Act shall have been extended.

Provided that the number of such ex-officio members shall not be more than one-third of the total number of the Committee.†

* *C.* 25 *of* 1868.—8. As regards the manner of appointment of non-official members, the Lieutenant-Governor is in favor of the principle of election, wherever it may be presumed that the system would be favourably received by the inhabitants themselves, and where they are otherwise shown to be well qualified for the discharge of the elective privilege.

In towns, at head-quarters, and other large and influential towns and settlements, it may be assumed that the elective system ought to be followed, and elsewhere His Honor would wish to see it introduced tentatively in communication with the leading inhabitants. Where there is any doubt of the advisability of introducing the system, His Honor would prefer in the first instance to appoint by Government nomination the most suitable of the inhabitants to form a Committee, and then to take their views as to this and other points in the constitution and working of the Committee. Ordinarily, one-half of the first Committee appointed under the provisions of the Act shall hold office for two years, and the other half for one year only. In the case of elected members, the moiety who may have received the greatest number of votes shall be held to have been elected for two years; should there be an equality of votes, the selection shall be made by Government. All subsequent appointment shall be for two years, so that one-half of the Committee shall go out by rotation every year. The members thus vacating office will be eligible for re-appointment.

10. As the financial year ends with the 31st March, and it is desirable that the members who have held office during the year should continue in it until the accounts for that period are made up, and the report of the Committee's proceedings prepared for submission to Government, the Lieutenant-Governor considers that new members should enter on their duties ordinarily from the 1st of June. If there be anything in the rules regarding election of members, which would render it difficult to obtain the confirmation of Government to the election before the expiry of the term of office of the old members, the necessary change in the rules regulating the time of the elections should be made in revising the bye-laws. It would probably be most convenient that the election should take place in March or April, except perhaps at the Hill Stations of Nynee Tal and Mussoorie, where in reference to the hill season they should be held on some date between the 15th May and 1st October.—*C.* 25 *of* 1868.

† Ordinarily Government prefers these officers for a Committee at the head-quarters of a district (*C.* 25 *of* 1868):

The Magistrate.
One Joint or Assistant or Deputy Magistrate.
The Civil Surgeon.

X. The Local Government may also appoint the president and vice-president, or either of them, of any Committee, or sanction the election by any Committee of one of their members as president or as vice-president.*

The Committee may appoint any one of their members or any other person to be their secretary.

All appointments made under this section shall be notified in the local Official Gazette.

PART III.

Office and Meetings of Committees.

XI. The Committee shall have an office,† where they shall meet for the transaction of business at least once in every month.

XII (*a.*) The president, or in his absence the vice-president, shall take the chair at every meeting of the Committee. In the absence of both the president and vice-president, the members present may elect a chairman for the occasion.

(*b.*) The meetings shall be either general or special.

(*c.*) The president or vice-president may, whenever he thinks fit, and he shall, upon a requisition made in writing by not less than one-fifth in number of the members, convene a meeting.

(*d.*) Notice shall be given of every such meeting, and when the meeting is to be special, at least three days' notice thereof shall be given. Every notice shall state the general nature of the business to be transacted at the meeting proposed to be called.

(*e.*) The quorum necessary for the transaction of business at a general meeting shall be three.

(*f.*) The quorum necessary for the transaction of the business at a special meeting shall be one-half of the total number of members at the time of the meeting; and at least two-thirds of such quorum shall consist of non-official members.

(*g.*) If within one hour from the time appointed for the meeting, a quorum is not present, the meeting, if summoned by the president or vice-president, shall be dissolved.

(*h.*) In any other case it shall stand adjourned to the same day in the next week at the same time and place. And if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die.*

(*i.*) All business may be transacted at a general meeting which this Act does not require to be transacted at a special meeting.

(*j.*) All questions which may come before the Committee at any meetings shall be decided by a majority of votes. Every member shall have one vote. In case of equality of votes, the chairman shall have a second or casting vote.

The Executive or Civil Divisional Engineer.
The District Superintendent of Police.
For the Committee of a Town not at Head-quarters:—
The Magistrate of the District.
The Magistrate in charge of the Pergunnah.
The Tehseeldar.

In most cases the abovenamed officers would be the most suitable, but local circumstances may occasionally require that the list shall be modified.

* Ordinarily, the Magistrate of the District would be the proper Chairman of Committees at the head-quarters of the district; and for Mofussil Committees, it would be advantageous, ordinarily, to make the officer in magisterial charge of the pergunnah in which the town lies the President, and the Tehseeldar the Vice-president.—*C.* 25 *of* 1868.

† This should be in the town for which the Committee is appointed.

(*k.*) Such decisions shall be recorded in a book kept for the purpose, and shall be published in some local English* or vernacular newspaper, or in such other manner as the Local Government may from time to time direct.

XIII. All correspondence between the Committee and the Local Government shall pass through the Commissioner of the Division.

The Commissioner of the Division shall be entitled to make such suggestions for the consideration of the Committee as he may deem fit; and the Committee shall furnish him with any information he may call for, connected with the duties imposed upon them by this Act.

PART IV.

Powers of Committees.

XIV. Subject to any general rules or special orders which the Governor-General in Council may from time to time make in this behalf,

Every Committee intending to impose taxes for the purposes of this Act shall from time to time give notice of such intention, and shall in such notice define the persons or property within the municipality to be taxed for the purposes of this Act, and the amount or rate of the taxes to be imposed hereunder.

Any inhabitant of such town objecting to such notice may, within a fortnight from the date of the said notice, send his objection in writing to the Chairman of the Committee, and the Committee shall take such objection into consideration and report their opinion thereon to the Local Government.

When a fortnight from the date of the said notice has expired, if no such objections have been sent as aforesaid, or (where such objections have been sent in) if, in the opinion of the Committee, they are insufficient, the Committee may, with the previous sanction of the Local Government, to be notified in the official Gazette, define the persons or property, or the amount or rate of the taxes aforesaid, and may then at a special meeting impose such taxes accordingly.

When six weeks from the said publication have expired, the Local Government, if no such objections have been sent as aforesaid, or (where such objections have been so sent) if in its opinion they are insufficient, may, by like notification, effect the proposed extension.

The Committee may, at a special meeting, with the same sanction, cancel or vary any tax so imposed.

XV. Such taxes (subject to the rules or orders last aforesaid) may be all or any of the following:—

(1.)—A tax on houses, buildings, and lands, according to the annual value thereof, not exceeding seven and a half per cent. of such value;

(2.)—A tax on professions and trades;

(3.)—Taxes on carriages, horses, mules, elephants, camels, bullocks, and asses;

(4.)—Tolls on carriages, carts, and animals entering the limits of the Municipality;

(5.)—An octroi on articles brought within the said limits for consumption or use therein: Provided that a list of such articles shall have been submitted to and approved by the Lieutenant-Governor: Provided also, that the Local

* Decisions of Sudder Committee to be published in an English Newspaper, if one such is published at the station or any adjoining station, and also in a Vernacular paper where one of sufficient local circulation exists. Otherwise they should be hung up or exposed in such a manner to render them accessible to the public. When printed, a printed copy (otherwise a manuscript one) should be sent to the Commissioner of the Division.—*C.* 25 *of* 1868.

Government may exempt from the octroi any such articles intended for consumption or use by any class of persons or animals.*†

XVII. No tax shall be collected until the assessment thereof has been confirmed by such persons and in such manner as the Local Government appoints.

The Local Government may from time to time make rules as to the persons by whom and the manner in which any assessment of taxes under this Act shall be confirmed, and for the collection of such taxes.

The Local Government may from time to time repeal, alter, or add to such rules.

XVIII. No rate on property made under this Act shall be invalid for defect of form, and it shall be enough, in any such rate on property or any assessment of value for the purpose of making such rate, if the property rated or assessed shall be so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

Rules and Bye-laws.

XIX. Every Committee may at a special meeting *make rules* consistent with this Act, *for regulating the time and place of their meeting, the conduct of their business,* the restricting of the amount or objects of expenditure under Section thirty-one, *the division of duties among the members of the Committee, the salaries, appointment, suspension, and removal of the officers and servants of the Committee, and other similar matters.*

XX. The Committee may appoint one or more of their number to carry out their resolutions, and to enforce the rules and bye-laws‡ made under the provisions of this Act for the protection of the public health, or they may appoint a special officer for such purposes.

XXI. The Committee may at a special meeting *make bye-laws for defining, prohibiting and removing nuisances which are not public or common nuisances under the Indian Penal Code, or under Act No. V of* 1861, *and for the securing of a proper registration of births, marriages, and deaths, and for carrying out all or any of the purposes of this Act.*

The Committee may, from time to time, at a special meeting, repeal, alter, or add to such bye-laws.

XXII. No bye-law, and no alteration or repeal of, or addition to, a bye-law, shall have effect until it shall have been confirmed by the Lieutenant-Governor.

XXIII. All bye-laws made under this Act, and all rules made under Section nineteen, and all alterations and repeals of, and additions to, such bye-laws and rules, shall be published§ for such length of time and in such manner as the Lieutenant-Governor shall from time to time *direct.*

Nuisances.

XXIV. Every Committee may enjoin within the limits of the Municipality any person not to repeat or continue a public nuisance. Every such injunction shall be deemed to have been made by a public servant.

* The Lieutenant-Governor desires to exercise the powers conferred on him by this section in such a way as to consult the wishes and feelings of the inhabitants. In proposals for the introduction of an octroi tax, however, it must be shown to the satisfaction of His Honor that the locality is suitable for it, and that an undue proportion of the income will not be swallowed up in establishments required to guard the approaches. It must equally be made clear that no let or check will be experienced by the through trade of the country in consequence of the imposition of an octroi. This His Honor considers an essential condition. For the rest, the Lieutenant-Governor will only add that income should be expended, as a general rule, for the benefit of the classes from whom it is levied. See also Government Resolution No. 4441, of 1868, at the end of the Act.—*C.* 25 *of* 1868.

† If Committee desire any other tax, they may impose it with the sanction of Local Government and Governor-General in Council (s. 16).

‡ Those of Benares and Allahabad to be considered examples of carefully-drawn rules based on sound principles; but in ordinary towns, the provisions as to nuisances to be more simple and rudimental—*C.* 25 *of* 1868. The bye-laws of Allahabad will be found at p. 984.

§ Once in the Official Gazette and also in the mode prescribed for the publication of proceedings.

XXV. Every Committee which the Local Government authorizes in this behalf, may, so long as such authorization continues, exercise the powers of a Magistrate of a District as described in section 521 of the Code of Criminal Procedure for the removal of nuisances, and in the exercise of such powers shall follow the procedure prescribed in sections (521—528) of the same Code.*

Purchase and Sale of Land.

XXVI. Any Committee may at a special meeting, and with the previous sanction of the Local Government, purchase land for the purposes of this Act, and may, at a like meeting and with the like sanction, sell any portion of such land which is not required for the purposes aforesaid, and convey the same in the names of the president and two of the members of the Committee.

The receipt of the president and any two members of the Committee for any moneys paid to them upon any such sale shall effectually discharge the persons paying the same therefrom, or from being concerned to see the application thereof, or being accountable for the non-application or mis-application thereof, and the proceeds of any such sale shall be applied for the purposes of this Act.

Controlling Power of Lieutenant-Governor.

XXVII. The Local Government may by order cancel, suspend, or limit any of the acts, proceedings, or rules of any Committee.

XXVIII. The Local Government may also abolish any tax which shall have been sanctioned under the provisions hereinbefore contained, but not so as to entitle any person to a refund of money paid in respect of such tax.

PART V.

Rights, Duties, and Liabilities of Committees.

Municipal Fund.

XXIX. All sums received by the Committee of any Municipality to which this Act extends, and all fines levied under this Act, and all receipts from property entrusted to and managed by the Committee, *shall constitute a fund, which shall be called the Municipal Fund of such Municipality, and shall, together with all property which may become vested in such Committee, be under their control, and shall be applied by them as trustees for the purposes of this Act.*

XXX. The funds of every Committee shall be kept in the Government Treasury of the District, or in the Bank (if any) to which the Government Treasury business shall have been made over.

No disbursement of such funds or any part thereof shall be made except under the signature of the president or vice-president and one other member of the Committee.

XXXI. *Every Committee,* subject to such rules restricting the amount or the objects of expenditure as it shall make at a special meeting, and *so far as the Municipal Fund at their disposal will permit, shall, after providing out of such fund for a police establishment in the manner hereinafter mentioned, keep the public streets, roads, drains, tanks, and watercourses of the Municipality for which they are appointed, clean and in repair;*

And may cause such streets and roads or any of them to be watered and lighted.

* Lieutenant-Governor prepared to confer these on every Head-Quarter Municipality. Local authorities to consider and from time to time to make representations for conferment of such powers on other Municipalities. Where powers are not so conferred, Committee should represent to Magistrate of District the existence of a nuisance and move him to remove it.—*C. 25 of* 1868.

And may construct and provide for the management of poor-houses, dispensaries, market-places, and other works of general utility.

And generally may do all acts and things necessary for the purposes of conservancy and general utility within their Municipality.

The Committee may also make provision, by the establishment of new schools, or the aiding of already existing* schools or otherwise, for the promotion of education in their Municipality.†

XXXII. Every contract made on behalf of any Committee in respect of any sum exceeding Rupees twenty, or in respect of any property exceeding Rupees twenty in value, shall be in writing, and shall be signed by the president or vice-president, and at least two other members of the Committee, of whom one shall be an ex-officio member. Unless so executed, it shall not be binding on the Committee.

Municipal Police.

XXXIII. Every Committee shall provide in the first place from its funds for the maintenance of the Police establishment in the Municipality.

The Municipal Police shall be appointed under such Act of the Governor-General in Council as may be applicable to the town, and their number shall be fixed by the Committee in consultation with the Inspector-General of Police, subject to the final decision of the Local Government.

XXXIV. Every officer of Police in any Municipality to which this Act shall have been extended shall have power to take into custody, without a warrant, any person who, within his view, commits any of the offences mentioned in section 34 of Act No. V of 1861 (*for the regulation of the Police*), and shall be bound to carry out the orders issued by the Committee for the prohibition and prevention of public nuisances, or nuisances defined to be such by any bye-law made under this Act.

Annual Reports.

XXXV. Every Committee shall annually, or oftener, if directed by the Local Government to do so, submit statements of their receipts on account of and disbursements from the Municipal Fund, and also reports of all works executed or proceedings taken by them under the authority of this Act.

The Committee shall also submit, at such time and in such form as may be directed by the Local Government, an estimate of their probable receipts for the financial year next following, with proposals for their expenditure.

An abstract of such estimate and proposals shall, on being so submitted, be published in such manner as the Local Government from time to time directs.

XXXVI. The Local Government may from time to time make rules consistent with this Act, as to the cost and the class of works which the Committee may execute, and the Committee shall be legally bound to obey such rules.

* Whenever in the opinion of the Local Government or Administration the Municipal Committee is so constituted that a local grant for female education will fairly represent the wishes of the majority, or of the most influential section of the *native* community, such grants will be eligible for the Government equivalent.

2. This relaxation relates only to grants from Municipalities, and not to contributions from cesses, and will merely place Municipal grants for girls' schools on the same footing with those for the education of boys.—*Home Department Res., dated 13th Nov.* 1868.

† Committee of head-quarters station authorized to incur expenditure on *emergent* works not provided for in the budget up to Rs. 1,000. Mofussil Committees are in like manner authorized to incur expenditure up to Rs. 500; but, with these exceptions, no work shall be undertaken by any Committee that has not been provided for in the budget, and until that budget has been approved and passed by Government.

19. The reports, accounts, and budget estimates of Committees should be furnished in the forms prescribed by Resolution No. 806A., *Vide Gazette*, dated 12th April, 1873, and p. 1006. The reports and accounts should be submitted to Commissioner for transmission to Government by the 15th of April, and the budget estimates by the 1st of December.—*C.* 25 *of* 1868.

Public Highways.

XXXVII. All public highways in any Municipality in which this Act is in force, not specially reserved by Government, together with all erections thereon and all materials thereof, shall be vested in and belong to the Committee.

Land required for Public Purposes.

XXXVIII. When any land within the limits of any Municipality to which this Act is extended is required for the construction or improvement of a highway, for the promotion of the healthiness of the neighbourhood, or for any other public purpose, if the Committee cannot agree with the owner for the purchase thereof, the Local Government, on the recommendation of the Committee, may notify in the local Official *Gazette* that such land is required under the provisions of Act No. X of 1870 *(for the acquisition of land for public purposes)*; and on payment by the Committee of the compensation awarded under such Act, the land shall vest in them for the purposes of this Act.

Suits by and against Committees.

XXXIX. Every Committee shall sue and be sued in the name of their president.

XL. No member of a Committee shall be personally liable for any contract made or expense incurred by or on behalf of the Committee, but the funds from time to time in the hands of the Committee shall be liable for and chargeable with all contracts made in the manner above provided for.

XLI. Every member of a Committee shall be liable for any misapplication of money entrusted to the Committee to which he shall have been a party, or which shall happen through, or be facilitated by, the neglect of his duty, and he shall be liable to be sued for the same in such Court as the Local Government directs as for money due to Government.

XLII. No suits shall be brought against a Committee or any of their officers, or any person acting under their direction, for anything done under this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Committee, or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intending plaintiff.

Unless such notice be proved, the Court shall find for the defendant.

Every such suit shall be commenced within three months next after the accrual of the cause of the suit, and not afterwards.

If any person to whom any such notice of suit is given shall, before suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

PART VI.

Penalties and Prosecutions and Recovery of Taxes.

XLIII. No member of a Committee or servant of a Committee shall be interested directly or indirectly in any contract made with the Committee; and if any such person be so interested, he shall thereby become incapable of continuing in office or in employment as such member or servant, and shall be liable to a fine of rupees five hundred:

Provided always that no person shall, by reason of being a shareholder in or member of any incorporated or registered Company, be deemed interested in any contract entered into between such Company and the Committee.

XLIV. All arrears of taxes *imposed under this Act may be recovered as if they were fines in the manner prescribed in section* 307 *of the Code of Criminal Procedure.*

Schedule of Offences punishable under Municipal Act of 1873.

Section.	Offences.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
32	Any member of a Committee (Municipal) or servant of a Committee interested directly or indirectly in any contract made with the Committee.	Any person.	N. C.	S.	B.	Fine of Rs. 500.	Any Magistrate.	* May be of either kind, *vide* Act I. of 1868, *App. Language.*
33	Any person infringing any bye-law made and confirmed as directed in this Act.	Committee or any person authorized by the Committee.	Ditto, unless the offence be one under s. 34, Act V of 1861.	"	"	Fine not exceeding Rs. 50, and in default* imprisonment not exceeding 8 days.	"	
	Continuing infringement of the above.			"	"	Fine not exceeding Rs. 5, for every day after notice from the Committee of such infringement, or in default* imprisonment not exceeding 1 month.	"	

Instructions for the preparation of Municipal Budget Reports and Statements, N. W. P.

3. The Budget will be submitted in two Forms, Statements I and II. Of these, Statement I shows the actual income or charges of the past year; and the actual income or charges of six months (April to September) of the current year, compared with the same six months of the previous year. A comparison of these figures will help the Committee to form an accurate estimate of the probable income or charges for the ensuing year. Statement II shows the original works which the committee propose to execute. The plans and estimates of the larger works should at the same time or previously be sent for the approval of the Superintending Engineer.

4. In the report that accompanies the Budget, full explanation should be given of the figures entered in Statement I under "Miscellaneous," "Transfers," and "Other items." The report should also contain such remarks as seem necessary on each head of account, and brief explanations of any important variations in the estimates as compared with the actuals of the past or current year.

5. The Budget Report and Statement should reach the Commissioner by the 1st of December, and this office by the 10th December. In order to provide for this, the accounts should be made up to the end of September as quickly as possible, and the Committee should meet to consider the Budget early in November. If any Committee has framed rules of business prescribing a different time for the Budget meeting, the rules should be altered. It will probably be best to prescribe that the meeting be held some time between the 1st and 15th November.

6. The Expenditure Report will be accompanied by 5 Statements, A, B, C, D and E. Of these Statements, A and B correspond to Budget Statements I and II; the former being the general Statement of receipts and charges, the latter the Statement of original works executed during the year.

7. Statement C is the Accountant-General's form referred to in para. 1, and contains in full detail every kind of expenditure that can be incurred. As submitted to the Accountant-General, it shows the expenditure of every month; as submitted to Government, it shows the expenditure of the past year. Statement A is an abstract of it, and gives in gross what is here shown in detail. Care must be taken that the same items are entered under the same or corresponding heads in A and in C. Statement C supersedes the old Statement C (repairs) and D (establishment) prescribed in Resolution No. 1758 A, quoted above.

8. Statement D is intended to show the quantities of each taxable article imported, and the amount raised from them, in Municipalities where octroi is levied. Columns 1 and 2 will agree exactly with the octroi schedule as sanctioned by Government, and will show each taxable article, and the rate imposed upon it. In column 3 will be entered the quantities imported, if the rate is by quantity, or the value, if the rate is *ad valorem*. The articles should be arranged in the eight classes prescribed by the Supreme Government. The total receipts under each class should be added up, and should agree with the corresponding figures in Statement A, receipt side.

The expenditure report should reach the Commissioner by the 15th May. The Committee at which it is passed should be held between the 15th and 30th April.—*Res., September 7th*, 1871, *and* 806*A of* 1873.

Note.—The revised forms will be found in every office, and are therefore not given here.

Extract para. 25 *of a Resolution of the Government of India, in the Home Department, No.* 4441, *dated Simla, the 6th November* 1868, *as modified by C.* 49*A of* 1871, *N. W. P.*

The Governor-General in Council therefore prescribes for general adoption the following rules. He requests that the existing practice may be brought into con-

formity with them, and that they may not be deviated from without the previous sanction of the Government of India:—

I.—Subject to the limitations contained in Rule 2, no town-duty or cess under any name shall be levied by any Municipal body on any commodity not included in the following list, *viz.*:—

(1) Articles of food or drink for men or animals.
(2) Animals for slaughter.
(3) Articles used for fuel for lighting or for washing.
(4) Articles used in the construction of buildings.
(5) Drugs, gums, spices, and perfumes.
(6) Tobacco.
(7) Piecegoods and other textile fabrics, and manufactured articles of clothing and dress.
(8) Metals and articles of metal.

Proviso.—No duty shall be levied on any articles falling within Classes 7 or 8, at a rate exceeding one and a half per cent. *ad valorem.*

II.—No such duty shall be levied on any of the following articles, *viz.*:—

(1) Articles liable to customs duty and imported into India by sea other than articles included in Classes 7 or 8, Rule I.
(2) Salt.
(3) Opium.
(4) Fermented or spirituous liquors manufactured in India, and drugs liable to Excise or Abkaree duty.

Proposals made by any Municipalities desirous of availing themselves of the concession made above will be favorably entertained by the Government of the N. W. P.

III.—No such duty shall be levied, excepting on things brought into a town for actual use or consumption therein. No such duty shall be levied on goods which, being brought into a town, shall be again exported, even though such goods shall have changed owners in the town. On the exportation of dutiable goods, the exporter shall be entitled to a refund of the amount of duty proved to have been paid on the import of those goods; minimum sum, below which no refund shall be so claimable, being fixed with the approval of the local Government.

IV.—Every Municipality, by which such duties are levied, will provide, in such a manner as the local Government may think fit, proper accommodation for the storing in warehouses, or otherwise, of articles in transit liable to duty, but not intended for use or consumption within the limits of the Municipality. Reasonable fees may be charged on articles stored in places provided under this rule for the accommodation of traders.

V.—No duties shall be levied on sales, or other trade transactions of the kind known under the name of *choongee*, &c., nor any imposts on trade, other than duties authorized under these rules.

VI.—No toll shall be levied by any Municipality on any person, animal, or thing on entering the Municipal limits, or passing along any road, canal or river within those limits; provided that this rule shall not prevent the levy of special payments, under lawful authority for the use of any bridge, quay, wharf, lock, or other work constructed or maintained at the cost of the Municipality.

VII.—No town-duty or toll shall be levied on goods, vehicles, &c., *bonâ fide* the property of the Government, brought within the municipal limits for the exclusive and direct use of Government. When the Government takes delivery of goods from a dealer or contractor within Municipal limits, the above exemption shall not apply.

Draft of Exemplar Rules for Collection of Octroi, N. W. P.

I am directed to forward the accompanying draft of rules prepared in this office for the collection of octroi duties, as an exemplar of what might perhaps be adopted, if no special objection exists, in any new Municipality hereafter created.

Rules for the Collection of Octroi Duties.

I. Posts for the collection of the octroi duties sanctioned by Government shall be placed at such points within Municipal limits as the Committee shall from time to time determine.

II. The Committee shall provide a bonded warehouse for the purpose hereafter described. (In towns where such warehouse is not likely to be much used, a serai with sheds may suffice for the purpose).

III. On the importation of articles liable to duty, the officer in charge of the octroi post shall call upon the importer to declare whether the articles are intended

1. For consumption or use within the Municipality,
2. Or for immediate exportation,
3. Or for temporary detention within Municipal limits and eventual exportation.

IV. A.—In the first case mentioned in Rule III, the duty chargeable on the articles shall be paid at once to the officer in charge of the octroi post, who shall deliver to the payer a receipt specifying the nature and quantity of the goods and the amount paid. A counterfoil, giving the same particulars, shall be retained by the collecting officer.

In this case no dutiable articles shall be allowed to pass the octroi post until the duty is paid, or until the importer shall satisfy the officer in charge of the head Municipal office that he is prepared to pay the duty chargeable.

B.—In the second case, the officer in charge of the octroi post shall deliver to the importer a pass specifying the nature and quantity of the articles, the duty leviable, and the time, not less than 24 or exceeding 48 hours, allowed for exportation.

If the articles be not exported within the period allowed, the owner or person in charge shall be bound to give notice to the officer in charge of the head Municipal office, and pay the duty chargeable on the goods, and the person paying the duty shall receive a receipt for the same, as provided in Clause A of this rule.

C.—In the third case, the articles shall be conveyed by the importer or person in charge to the Municipal bonded warehouse, under care of an officer appointed for that purpose by the Committee.

The clerk of the bonded warehouse shall deliver to the importer or person in charge of the bonded articles a receipt showing the nature and quantity of the articles, and the fees payable for warehouse accommodation. A counterfoil shall be retained by the warehouse clerk.

Fees for warehouse accommodation shall not exceed (to be filled in by Municipal Committee).

V. It shall be the duty of the officer in charge of each octroi post to transmit to the officer in charge of the head Municipal office, at the close of each day, a memorandum showing—

1. The nature and quantity of articles imported under Rule IV, Clause A.
2. The nature and quantity of articles imported under Rule IV, Clause B.
3. Similarly the clerk of the bonded warehouse shall transmit a memorandum showing the nature and quantity of articles bonded under Rule IV, Clause C.

VI. 1.—When the owner or importer of articles bonded under Clause C, Rule IV, desire to export the same, he shall apply to the officer in charge of the head Municipal office, and shall produce the receipt given under Clause C. The officer shall compare the receipt with the memorandum furnished in accordance with Clause 3, Rule V, and if satisfied of the correctness of the application, shall grant an order upon the warehouse clerk directing the release of the articles on payment of the prescribed fees for accommodation.

2.—If articles released from bond under this rule be not exported within 48 hours from the time of release, the owner or importer shall be bound to give notice to the officer in charge of the Municipal office and pay the duty chargeable on the goods. A receipt shall be given for the duty paid as provided in Clause A, Rule III.

VII. If articles, on which duty has been paid under Clauses A and B, Rule V, and Clause 2, Rule VI, be exported within one month from the date of payment f duty, and the owner or importer produce the receipt testifying to payment of duty, nd satisfy the officer in charge of the head Municipal office that the articles xported are the same as those mentioned in the receipt, a drawback shall be allowed o the extent of the duty paid on the quantity exported.

Provided that in no case shall a refund of a less sum than be allowed.

VIII. Articles, the duty chargeable on which does not exceed one pie, shall be xempt from duty.

IX. Money collected at the octroi posts, or bonded warehouse, shall be emitted at the close of each day to the head Municipal office, excepting such reasonble balance as the Committee may think necessary for the transaction of business.

X. Evasion and attempts at evasion of payment of duty, or infraction of these ules, shall be punishable as an infraction of the municipal bye-laws.

XI. Complaints connected with the levy of octroi duties must be addressed to he Secretary of the Committee, who will lay them before the members.

Cir. 25 A of 1871 directs that all forms, &c., required for Municipalities be btained from the Govt. Press.

Govt. Res. 3539 of 1870, Govt. India rules, that the pay of medical subordinates ttached to charitable dispensaries maintained by Municipalities when on leave should e paid by the Municipalities concerned.

Govt. Fin. Res. 4851 of 1871 prohibits the grant of loans to Municipalities, rhether direct from the Govt. Treasury or contracted with a bank by the author- y of any Govt. officer without the special sanction of the Govt. of India. Fortifi- ations, Military store-houses, and buldings for the accommodation of troops must be xempt from payment of Municipal tax.—*Govt. India C.* 963 *of* 1868.

MUNICIPAL CHAUKIDARI.

ACT XX OF 1856 AS AMENDED BY ACT XXII OF 1871.

Extends over the Presidency of Fort William.

II. The provisions of this Act shall have effect in the cities and stations in hich the said Regulation XXII, 1816, has heretofore been in force, and in every ;her city, station, town, suburb, and bazar in the said Presidency to which the ocal Government at any time may extend the same by Notification in the Official azette. *Provided always, that this Act shall not be extended to any city, town, ıburb, or bazar unless there be therein (or in some other city, town, suburb, or bazar ith which the same may be united as hereinafter provided) a Police station under ı officer of a grade not below that of Jemadar, nor to any agricultural village.* mended by Act XXII of 1871 as follows (the amendment not extending to Lower engal.)

"II. The provisions of this Act shall have effect in all cities, stations, towns, ıburbs, and bazars in the said Presidency to which the Local Government may, , any time, extend the same by notification in the Official Gazette: Provided always ıat this Act shall not be extended to any agricultural village.

In all places in which this Act is now in force, it shall be deemed to have been ctended under the provisions of this section."

III. The Government may, by Notification to be published in the Official azette, unite, for the purposes of this Act, any city, town, suburb, station, or bazar, · any part or parts of a city, town, suburb, station or bazar, with any other city, ıwn, suburb, station, bazar, or part or parts of a city, town, suburb, station, or ızar; and in such case all the provisions of this Act applicable to a city, town, ıburb, station, or bazar, shall apply to such union.

IV. For the purposes of this Act the Local Government may define and declare the limits of any city, town, suburb, station, bazar, or union, and all occupiers of houses within any such city, town, suburb, station, bazar, or union as aforesaid, or within such limits as shall be so defined as aforesaid, shall be liable to be assessed or rated according to the provisions of this Act for the purpose of maintaining the chowkeydars appointed to be maintained in such city, town, station, suburb, bazar, or union.

V. If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments for such persons or lodgers, or travellers, shall, for the purposes of this Act, be deemed to be the occupier of such house.

VI. Magistrate may cause a name to be given to any street, and affixed in such place or places as he may think fit, and may also cause a number to be affixed to every house in any street or mohulla for the purpose of identifying such house.

VII. The Magistrate shall determine the number of chowkeedars to be maintained in any city, town, or other such place as aforesaid; but the number of chowkeydars so to be maintained shall not exceed one to every twenty-five houses.

VIII. The chowkeedars appointed under this Act may be of different grades, and the wages to be paid to the several grades shall be determined by the Magistrate.

IX. Magistrate shall determine the total amount required to be raised in any year in any city, town, or other such place as aforesaid, for the purpose of maintaining the chowkeedars appointed to be maintained therein, and for the purposes specified in Sections XXXIII, XXXIV, XXXV, and XXXVI of this Act, together with such sum as the Magistrate may consider necessary to provide against the contingency of losses from defaulters in the current year, and the amount of losses, if any, actually sustained from defaulters in the preceding year. [*See Note at end of Act.*]

X. The tax to be levied in any city, town, or other place as aforesaid, for the purposes of this Act, may be either an assessment according to the circumstances and the property to be protected of the persons liable to the same, or a rate on houses and grounds according to the annual value thereof. The Local Government, on the report of the Magistrate and Commissioner of Circuit, shall determine in each case whether the tax to be levied shall be such assessment or such rate. [*See Note at end of Act.*]

XI. If the tax be an assessment according to the circumstances and the property to be protected of the persons liable to the same, the aggregate sum to be raised by such tax shall not exceed the average rate of two annas per mensem for each house, and the amount assessed in respect to any one house shall not be more than the pay of a chowkeedar of the lowest grade. If the tax be a rate on houses and grounds, it shall not exceed five per centum of the annual value thereof. [*See Note at end of Act.*] Amended by Act XXII of 1871, save in Lower Bengal.

"XI. If the tax be an assessment according to the circumstances and the property to be protected of the persons liable to the same, the amount assessed in respect of any one house shall not be more than the pay of a chaukídár of the lowest grade. If the tax be a rate on houses and grounds, it shall not exceed five per centum of the annual value thereof."

XII. For the purpose of making a rate under this Act, the annual value of the houses and grounds liable to the rate shall be computed and ascertained upon an estimate of the gross annual rent at which the same might reasonably be expected to let from year to year. Grounds used for purposes of trade shall be liable to the rate, but grounds used for the purpose of cultivation or for depasturing cattle shall not be liable. [*See Note at end of Act.*]

XIII. The Magistrate may, at his discretion, exempt from the assessment or rate, or may relieve from the payment of his assessment or rate, any occupier who may be unable from poverty to pay the same. [*See Note at end of Act.*]

XIV. For the purposes hereinafter mentioned, the Magistrate shall constitute and appoint a punchayet for each such city, town, or other place as aforesaid, or,

when he may see fit to divide any such city, town, or place into convenient divisions, for each division thereof, and shall issue a sunnud of appointment, specifying the names, residence, business, or other description of the persons appointed and the period for which the appointment is made. Every punchayet shall consist of three or five respectable persons residing or carrying on business in or near to any such city, town, or other place, or in or near to any such division thereof. Provided that, instead of any one such person, the Magistrate may appoint any person whom he may think fit to be a member of the punchayet, notwithstanding such person may not reside or carry on business in or near to such city, town, or other place, or in or near to any such division thereof.

XV. The punchayet so appointed, or the majority of them, shall, once in every year, if required so to do by the Magistrate, prepare and make, in accordance with the rules laid down in the requisition, an assessment or rate upon the several persons liable to be assessed or rated in respect of their occupation of property within the district (whether city, town, or other place as aforesaid, or any division thereof) for which the punchayet shall be appointed, and shall enter the same in a list which shall specify the names of the several occupiers of property within the district liable to be assessed or rated under the provisions of this Act, the trade, business, or other description of such occupier, the property occupied, and the amount payable monthly by such occupier. If the tax be a rate on the annual value of the property occupied, such annual value and the total amount of the annual rate shall also be specified. The requisition of the Magistrate to the punchayet to make out such list shall be in the form marked A or B, as the case may be, set forth in the Appendix to this Act annexed, or to the like effect.

XVI. The punchayet shall, if required by the Magistrate so to do, instead of making a new assessment or rate, revise and amend the assessment or rate then in force.

XVII. When an assessment or rate shall have been made or revised, as the case may be, the punchayet shall forward to the Magistrate the list containing the same; and the Magistrate shall revise, and, if necessary, amend and settle it.

XVIII. When the assessment or rate shall have been settled, the Magistrate shall sign the list, and shall cause one copy thereof, together with a Notification prepared according to the form marked C in the Appendix to this Act, or to the like effect, and written in the language of the Province in which the city, town, or place is situate, to be stuck up in some conspicuous place in the district for which the assessment or rate has been made; and another copy, together with a like Notification, at the nearest Police thanna; and shall also cause a third copy to be deposited in his own office.

XIX. Unless revised or corrected as hereinafter provided, every assessment or rate under this Act shall stand good for one whole year, and until a new one is made, and in case the occupier of any property included in any assessment or rate shall be charged before a new one is made, the new occupier shall be liable in respect of such property for any portion of the assessment or rate which shall have become payable during his occupation instead of the former occupier thereof; and after notification to such person, the Magistrate may cause his name to be substituted in the said list for the name of the former occupier. Every assessment or rate which shall be revised according to the provisions of Section XVI shall be deemed a new assessment or rate. Provided always, that, if no new assessment or rate is made within the first three months of any year, the list of the previous year shall be republished according to the provisions of Section XVIII, and shall thereupon be deemed to be the assessment or rate for the current year, and shall be open to appeal under the next succeeding Section.

XX. Any person assessed or rated, who shall be dissatisfied with his assessment or rate, or who shall dispute his occupation of any property or his inability to be assessed or rated, may appeal on unstamped paper to the Magistrate, and the Magistrate, after making such inquiries as he deems necessary by examination of the appellant on oath or solemn affirmation, or otherwise, may confirm the assessment or

rate, or amend the same. In case the Magistrate confirm the assessment or rate, he may award costs against the appellant. The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment or rate, nor shall the liability of any person to be assessed or rated be questioned in any other manner or by any other Court. Provided that no appeal shall be received after the expiration of one month from the time of the notification of the assessment or rate prescribed by Section XVIII, or of the notification of the substitution of the name of an occupier under Section XIX, unless the Magistrate, upon reasonable cause shown, shall extend the time for receiving such appeal.

XXI. The Commissioner of Circuit, with the consent of the Local Government, may at any time direct the Magistrate to revise the assessment or rate of any city, town, or other place as aforesaid, specifying the reasons which, in his opinion, render such division necessary, and the Magistrate shall according to such direction revise and, if necessary, amend the same.

XXII. The Magistrate may require the punchayet to revise the assessment or rate at any period during the year; but on every such occasion he shall address a written order to the punchayet, specifying the reasons which render such revision necessary, and requiring an amended return within a stated period.

XXIII. Whenever any assessment or rate is revised during the year, as provided in the two last preceding Sections, a revised list, together with a Notification, as prescribed in Section XVIII, shall be prepared and published in the manner therein directed. And all objections to such revised assessment or rate shall be made and dealt with in the manner prescribed in Section XX.

XXIV. If any person appointed a member of a punchayet refuse to undertake the office, or omit to perform the duties thereof, and do not within fifteen days from the date of his appointment show satisfactory grounds for his refusal or omission, or provide such a substitute as the Magistrate approves, the Magistrate may fine such person in a sum not exceeding fifty Rupees.

XXV. If the person appointed a punchayet, or a majority of them, refuse, or omit, for a period of fifteen days after the receipt of an order from the Magistrate, to perform the duties required of them, the Magistrate may himself make or revise the assessment or rate, and may enforce the same as if it had been made or revised in the first instance by the punchayet. Provided that the functions of the punchayet shall not thereby absolutely cease and determine, but may be resumed at any time, only not so as to invalidate any act done by the Magistrate under this Section.

XXVI. No person shall be bound to act on a punchayet unless he shall reside or carry on business within the limits of the district for which the punchayet is to be appointed.

XXVII. Every punchayet shall be appointed for the period of one year, and no person shall be compelled to serve on a punchayet for more than one year at a time, or within less than three years after the expiry of previous service; but nothing in this Section shall prevent any person from being appointed to serve on a punchayet at any time whatsoever with his own consent.

XXVIII. If a majority of the persons assessed or rated in any district for which a punchayet shall be appointed, not being in arrear, make application in writing to the Magistrate for the removal of any member of the punchayet appointed for such district, the Magistrate, if he think it expedient, may remove such member from the punchayet.

XXIX. If any vacancy shall occur among the members of a punchayet, or if any member appointed shall refuse or decline or be unable to act, the Magistrate may nominate and appoint another person to supply the vacancy or to act in the stead of such member, subject to the rules already laid down as to the original appointment of members; but such appointment may be made by a written communication to the person appointed, and it shall not be necessary to issue a new sunnud under Section XIV of this Act.

XXX. The punchayet shall give notice to the Magistrate of any neglect or misconduct on the part of any chowkeydar within the district for which they are

appointed which shall come to their knowledge, and shall also give notice of any vacancy which shall occur in consequence of the death or absence of any chowkeydar or from any other cause.

XXXI. In cities and large towns containing three or more divisions or districts, the Magistrate may appoint a sudder punchayet consisting of not less than five members, who may be selected either from the members of the local punchayets or from any other residents of the city or town. It shall be the duty of the sudder punchayets to assist the Magistrate, when required so to do, in carrying out generally the objects of this Act, and particularly in revising the assessment or rate made by the district punchayets, and enquiring into and reporting on appeals preferred against the same.

XXXII. The chowkeydars to be employed under this Act shall be appointed by the Magistrate, and the Magistrate shall cause to be kept a register in which shall be entered the name, age, place of residence, and previous occupation of every person so appointed, with the date of his appointment.

XXXIII. Subject to the approval of the Commissioner of Circuit, the Magistrate may appoint such number of jemadars and Inspectors as may be necessary for the supervision and control of the chowkeydars. Provided that the number of these officers shall not be greater than one jemadar to fifteen chowkeydars, and one Inspector to sixty chowkeydars.

XXXIV. Subject to the approval of the Commissioner of Circuit, the Magistrate may appoint one or more tax-collectors or darogahs and such other servants as may be necessary for preparing, or assisting the punchayet in preparing, the assessment or rate, for copying the same, for collecting the tax, keeping the accounts and records, and otherwise carrying out the purposes of this Act. The Magistrate shall take from every tax-collector or darogah such security for the due disposal of the sums collected by him as may be thought necessary.

XXXV. The Magistrate may further incur any reasonable expense in the purchase of stationery, in providing badges, dresses, and weapons for the chowkeydars and for any other contingencies that may seem to him necessary.

XXXVI. After paying the wages of the chowkeydars, and defraying the charges specified in the three last preceding sections of this Act, the Magistrate may, with the sanction of the Commissioner of circuit, appropriate any sum which may be available, to the purpose of cleansing the city, town, or place, or of lighting or otherwise improving the same. [*See notes at end of Act.*]*

XXXVII. The tax-darogahs shall prepare, from the lists hereinbefore mentioned, a register, which shall be attested by the Magistrate or his Deputy or Assistant, and shall contain the names of all persons assessed or rated so far as they can be ascertained, the property in respect of which the assessment or rate in each case is imposed and the amount payable monthly by each person.

XXXVIII. On the tenth of each calendar month, or so soon after as possible, the tax-darogah shall proceed in person or through some one of his office establishment, to collect the amount due for the current month for each person subject to the tax; and for all sums so collected, the darogah shall grant a receipt. Provided that, with the sanction of the Commissioners of Circuit previously obtained, the collection may be made quarterly instead of monthly; and in such case the amount due for each quarter shall be collected in the last month of that quarter. *Amended by Act XXII of* 1871, *save as regards Lower Bengal.*

" XXXVIII. On such dates as may be fixed by the punchayets for payment of instalments of the tax, the tax-darogah shall proceed in person, or through some one of his office establishment, to collect the amount due for the current month from each person subject to the tax, and for all sums so collected the darogah shall grant a receipt: Provided that, with the sanction of the Commissioners of Circuit previously

* The form for submitting chowkeedaree estimates and expenditure reports is that prescribed by Circulars 50 and 790A of 1873, and will be found on p. 1020. (See also Appendix II.)

obtained, the collection may be made quarterly instead of monthly; and in such case, the amount due for each quarter shall be collected in the last month of that quarter."

This provision was introduced in consequence of representations of the annoyance felt at the constantly recurring visits of the tax-gatherer. Magistrates should now consult the wishes of the tax-payers, as represented by their *punches*, and should frame their plans accordingly—*C. 38 A of* 1871, *N. W. P.*

XXXIX. The tax-darogah shall remit to the Magistrate, in such manner as the Magistrate shall direct, all sums of money collected either by himself or any one of his establishment, and the Magistrate, or some officer of his establishment authorized on that behalf, shall give the darogah a receipt for every sum of money so remitted. The Magistrate shall also cause all such sums of money to be credited to a separate fund, to be called the Chowkeydaree Fund of the city, town, or place in or an account of which they are collected.

XL. The tax-darogah shall prepare all summonses and processes to be issued against defaulters, and shall make the usual returns thereto, and shall keep a regular account of all distresses levied and sales made by him for the realization of arrears.

XLI. On the 20th of each calendar month, or as soon after as possible, the tax-darogah shall deliver or transmit to the Magistrate, in one list, a statement of all defaulters, the property in respect to which they are assessed or rated, the amount of the monthly assessment or rate and the amount due from each. *Amended by Act XXII of* 1871, *save as regards Lower Bengal.*

4. In the forty-first section of the said Act, instead of the words "On the 20th of each calendar month," there shall be read the words "On the tenth day after the date fixed for the payment of instalments of the tax."

XLII. On receipt of the aforesaid list the Magistrate shall issue a summons against each of the defaulters therein mentioned, requiring him either to pay the demand or to attend at the cutcherry of the Magistrate within a reasonable time, to be specified in the summons, to show cause for his refusal.

XLIII. If any defaulter fail to appear in answer to the summons, or having appeared fail to satisfy the Magistrate that no arrear is due from him, the Magistrate may issue a warrant to the tax-darogah, authorizing him to levy the whole or any part of the demand by distress and sale of any goods and chattels belonging to the defaulter, or being at any time upon the premises in respect of which the arrear is due; and the Magistrate's order as contained in the warrant shall be final.

XLIV. The tax-darogah shall make an inventory of all goods and chattels seized under the Magistrate's warrant, and shall give previous notice of the sale and the time and place thereof by beat of drum in the district in which the property is situated. If the arrear be not paid with costs, or the warrant be not in the meantime discharged or suspended by the Magistrate, the goods and chattels seized shall be sold at the time and place specified, in the most public manner possible; and the proceeds shall be applied in discharge of the arrears and costs, and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure. The tax darogah shall make a return of all such sales to the Magistrate in the form specified in Appendix D, and the costs upon every such proceeding shall be such as are mentioned and set forth in Appendix E annexed to this Act.

XLVI. If no sufficient goods or chattels belonging to a defaulter, or being upon the premises in respect of which he is assessed or rated, can be found within the district in which the premises are situate, the Magistrate may issue his warrant to the Nazir of his Court for the distress and sale of any personal property or effects belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any personal property belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever; and such other Magistrate shall back the warrant so issued, and cause it to be executed, and the amount, if levied, to be remitted to the Magistrate issuing the warrant.

XLVII. All goods and chattels, except tools or implements of trade, which may be found upon any premises in respect of which an arrear is due, shall be liable to be distrained for the recovery of such arrear. If the goods and chattels belong to any person other than the defaulter, the defaulter shall indemnify the owner of such goods and chattels from any damage he may sustain by reason of such distress or by reason of any payment he may make to avoid such distress or any sale under the same. Provided that no distress shall be made for any arrears due under this Act after the expiration of six calendar months from the time when such arrears become due.

XLVIII. Every person who shall wilfully obstruct or molest any tax darogah or any of his establishment, in the performance of their duties under this Act, or shall fraudulently conceal, remove or dispose of any of his property for the purpose of avoiding a distress under the provisions of this Act, or shall knowingly assist any other person in so doing, shall be liable on conviction before a Magistrate to a penalty not exceeding fifty rupees.

L. The chowkeydars, and the jemadars and Inspectors appointed under this Act shall exercise all the powers, and perform all the duties, and be subject to all the liabilities of Police officers as prescribed in the General Regulations of the Bengal Code or Acts of the Government of India for the time being in force, so far as such powers, duties, and liabilities are not inconsistent with, or otherwise expressly provided for by this Act. The chowkeydars, and the jemadars and Inspectors are in all respects subordinate to the Police darogah of the thanna within the limits of which they may be employed.

LI. Every chowkeydar appointed under this Act shall wear a badge with a number, and the name of the city, town, place, or division for which he is appointed, engraved thereon.

LII. Every chowkeydar and every jemadar and Inspector appointed under this Act shall have power, without warrant, to apprehend and convey immediately to the nearest Police station, any person or persons taken in the act of committing any heinous offence, or whom he shall have just cause to suspect to be about to commit or to have committed a heinous offence, or against whom a hue and cry shall be raised.

Second.—He shall have power to prevent obstructions and nuisances on the roads and streets.

Third.—He shall give immediate intelligence to the Police darogah of the resort to his division of any receivers of stolen goods, or of any robbers or other persons of notorious or suspected character, or of any circumstances likely to occasion a breach of the peace.

Fourth.—He may stop, examine, and if necessary detain, any person who shall be reasonably suspected at any time of having or conveying any thing stolen, or who shall be found between sunset and sunrise lying or loitering in any highway, yard, or other place, and unable to give a satisfactory account of himself, and may convey such person to the nearest Police station.

LIII. If a chowkeydar or other Police officer be unable to effect an arrest, he may require all persons present to assist him.

LIV. On the fifteenth day of each month, or on such other day not later than the fifteenth day of the month, as the Magistrate may appoint, the chowkeydars, and the jemadars and Inspectors (if any) shall be mustered at the thanna to which they are attached, and the Police darogah or mohurrir of the thanna shall there pay them the wages due to them up to the close of the preceding month, and shall at the same time take the receipt of each chowkeydar in an official register of receipts prepared for the purpose; and the darogah, after signing the register in attestation of its correctness, shall transmit the same to the Magistrate.

LVI. The Magistrate may suspend or dismiss any officer appointed under this Act, whom he shall think remiss or negligent in the discharge of his duty or otherwise unfit for the same.

LVII. All fines levied under this Act shall be credited to the Chowkeydaree Fund and held available for the purposes of this Act.

LVIII. Assistants to Magistrates vested with special powers, and Deputy Magistrates vested with special powers, when posted at stations other than the sudder station of the Magistrate, and empowered, under Act X of 1854, to try cases without reference from the Magistrate, may exercise all the powers hereby vested in a Magistrate; and any Assistant or Deputy Magistrate vested with special powers may perform any of the duties hereby assigned to a Magistrate when referred to him by the Magistrate to whom he is subordinate.

LIX. All the proceedings of a Magistrate under this Act, except as otherwise specially provided, shall be subject to the control of the Commissioner of Circuit; and all the proceedings of the Commissioner of Circuit shall be subject to the control of the Local Government.

LXI. Wherever in this Act, or in any Appendix thereto, there is nothing in the context requiring a different interpretation—

The word "Magistrate" shall include a Joint Magistrate and any person lawfully exercising the powers of a Magistrate.

The word "House" shall include any shop or warehouse.

The word "Bazar" shall mean any place of trade where there is a collection of shops or warehouses.

The word "District" shall mean a city, town, bazaar, or union, or any division thereof.

The expression "Police Darogah" shall include any Tahseeldar or Naib Tahseeldar entrusted with Police jurisdiction.

APPENDIX A.

To

[*Here insert the names, places of abode, business, or other description of the punchayet.*]

I do hereby require you, the punchayet appointed under Act XX of 1856, with all reasonable expedition, not exceeding (*here insert a period to be fixed by the Magistrate*) from the date hereof, to make out and forward to me, the undersigned Magistrate of the zillah of , a fair and equitable assessment upon the several occupiers of houses, shops, and buildings, in the (*here describe the city, town, place, or division*) for the purpose of raising the sum of Rs. required for the maintenance of chowkeydars for the year commencing on and other expenses authorized by Act XX of 1856. You shall regulate and determine the amount of assessment to be levied from every such occupier according to the circumstances and the property to be protected of each person. But the amount assessed in respect of any one house shall not exceed Rs. (*here insert the pay of a chowkeydar of the lowest grade*), [and the aggregate amount assessed shall not exceed the average rate of two annas per mensem for each house, shop, or building in the district.]*

If the occupier of any house in the said district shall be unable, on the ground of poverty, to pay the assessment to which he is liable under this Act, you shall exempt him from the same; but the property occupied, together with the name and description of such occupier, shall be specified in the list, together with the ground of exemption.

If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers, or travellers, shall be deemed the occupier of such house, and shall be assessed accordingly.

The assessment which you are hereby required to make shall specify the name of every occupier of property liable to be assessed, the name, trade, or business or

* These words have been struck out by Act XXII of 1872, see note, Appendix C.

other description of the person assessed, the annual assessment, and the quota payable monthly; and may be in the following form, or to the like effect:—

Property occupied.	Name of Occupier.	Profession or Business or other Description.	Amount of monthly Payment.

APPENDIX B.

To

[*Here insert the names, places of abode, business or other description of the punchayet.*]

I do hereby require you, the punchayet appointed under Act XX of 1856, with all reasonable expedition, not exceeding *(here insert a period to be fixed by the Magistrate)* from the date hereof, to make out and forward to me, the undersigned Magistrate of the zillah of , a fair and equal rate upon the several occupiers of houses, shops, and buildings, and of grounds occupied for the purpose of trade or business, in the *(here describe the city, town, place, or division)* for the purpose of raising the sum of Rs. required for the maintenance of chowkeydars for the year commencing on and other expenses authorized by Act XX of 1856. You shall regulate and determine the amount of the rate to be levied from every such occupier according to the annual value of the property occupied.

The rent at which any such property may reasonably be expected to let for one year shall be deemed the annual value of such property. The rate shall be an equal percentage, not exceeding 5 per cent. of such annual value.

Any person occupying ground for the purpose of trade is to be rated in respect thereof, but a person occupying ground for the purpose of cultivation or for depasturing cattle, is not to be rated in respect thereof.

If the occupier of any house or ground in the said district shall be unable, on the ground of poverty, to pay the rate to which he is liable under this Act, you shall exempt him from the same; but the property occupied, together with the name and description of such occupier, shall be specified in the list, together with the ground of exemption.

If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers, or travellers, shall be deemed the occupier of such house, and shall be rated accordingly.

The rate which you are hereby required to make shall specify the name of every occupier of property liable to be rated, the name, trade, or business or other description

of the person rated, the annual rateable value of the property, the annual rate, and the quota payable monthly; and may be in the following form, or to the like effect:—

Property occupied.	Name of Occupier.	Profession or Business or other Description.	Annual Value of Property.	Annual Rate.	Amount of monthly Payment.

APPENDIX C.

An assessment *(or rate, as the case may be)* made for *(here describe the city, town, village, or other place or division for which the rate is made)* upon the several occupiers of houses and other property in the said district pursuant to Act XX of 1856, for the purpose of maintaining chowkeydars for such district.

Property occupied.	Name of Occupier.	Profession or Business.	Amount of monthly (or quarterly) Assessment (or Rate).

Whereas the above assessment *(or rate, as the case may be)* has been duly made pursuant to Act XX of 1856, and has been revised and settled by me, the undersigned Magistrate of , the several persons whose names are included in the said assessment *(or rate)* are hereby required to pay the monthly *(or quarterly)* contributions set opposite to their names with regularity to the tax-darogah, or other person appointed by the Magistrate to receive the same [the first payment on the 10th day of the month next succeeding the date of this notification, and every subsequent payment on or before the 10th day of each succeeding month]* *(if the tax is to be collected quarterly, the months in which the payment is to be made must be specified)*, or, in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed *(or rated)* and such other proceedings adopted for the recovery of the same as are allowed by law.

Dated this day of

Magistrate of

* These words have been struck out by Act XXII of 1872 for every place save territories subject to Lieutenant-Governor of Bengal.

APPENDIX D.

1	2	3	4	5	6	7	8	9	10	
District.	Names of Defaulters.	Amount of Defalcation.	Amount, Cost, or Penalty.	Inventory of Property seized under Distress.	Date of Distress.	Date of Sale.	Property sold.	Amount realized on each Article.	Purchaser's Name.	Balance.

APPENDIX E.

Table of Fees payable in Distraints under this Act.

Sum distrained for	Fee.	
	Rs.	As.
Under 1 Rupee	0	4
1 and under 3 Rupees	0	8
3 " 5 "	1	0
5 " 10 "	1	8
10 " 15 "	2	0
15 " 20 "	2	8
20 " 25 "	3	0
25 " 30 "	3	8
30 " 35 "	4	0
35 " 40 "	4	8
40 " 45 "	5	0
45 " 50 "	5	8
50 " 60 "	6	0
60 " 80 "	7	8
80 " 100 "	9	0
Above 100	10	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man.

By Act III of 1864 of the Bengal Council, sections 9, 10, 11, 12, 13, and 36 are amended, as respects all places to which that Act is extended.

Report or Estimate of Expenditure in the Towns of the *Division, administered under Act XX of* 1856 *(the Chowkeydaree Act), for the year* *(prescribed by Cir.* 10 *A of* 1870).—*N. W. P.*

Name of District.	Number.	Names of Towns.	Number of Enclosures or Houses.	Population.	General Character and Status of the People.	Mode of Taxation.	Balance in hand on 1st April 1869.	Gross yield of Tax in 1869-70.	Deduct from Column 9 Cost of Collection.	Net Income available for local Purposes.	Total Columns 8 and 11.	Mode of Appropriation of net Income in Column 12.						Remarks.
												Police.		Conservancy.	Public Works.	General Improvements.		
												Strength.	Cost.			Expenditure.	Balance.	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.

In column 16 enter in a lump sum provision or charges for work which are estimated to cost or have cost not more than Rs. 500. For works above Rs. 500, a memorandum should be added in the form of Municipal Statement No. VII to the estimates any projects of more than ordinary importance to be supported by detailed estimate and plans: and when executed, a memo. to be appended to annual report in form of Municipal Statement No. III. A new form for Commissioners has been prescribed by 790A of 1873, but Magistrates have not been told whether to submit in the form given above or the new one (*Vide* Appendix II.)

Schedule of Offences punishable under Act XX of 1856.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
6	Any person wilfully removing, obliterating or destroying name or number affixed by Magistrate to any street, house, or mohulla.	Any person.	N. C.	S.	B.	Fine not exceeding Rs. 20 ...	Magistrate of the 1st-class.	
24	Any person appointed a member of a punchayet refusing to undertake the office, or omitting to perform the duties thereof, and not within 15 days from his appointment showing satisfactory grounds for his refusal or omission to provide such a substitute as the Magistrate approves.	"	"	"	"	Fine not exceeding Rs. 50 ...	"	
45	Tax Darogah or other person appointed under the Act purchasing any property at any sale held under section 44.	"	"	"	"	Ditto ditto and confiscation of property so purchased.	"	

Schedule of Offences punishable under Act XX of 1856.—(Concluded.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
48	Any person wilfully obstructing or molesting any Tax Darogah or any of his establishment in the performance of their duties under this Act, or fraudulently concealing, removing, or disposing of any of his property for the purpose of avoiding a distress under the provision of this Act, or knowingly assisting any other person in so doing.	Any person.	N. C.	S.	B.	Fine not exceeding Rs. 50 ...	Magistrate of the 1st class.	
49	Tax Darogahs or other person appointed under this Act guilty of extortion, malversation or other misconduct in the discharge of his duty.*	"	"	"	"	Dismissal from office *and* imprisonment of either description not exceeding six months, and may also be compelled to refund moneys corruptly or unduly exacted or received,	"	plaints preferred on oath or solemn affirmation under from committing any Tax Darogah or other person the power of the Sessions Court in regard to punish-

						and to deliver up effects illegally distrained or sold, or the value thereof, and in default and until such delivery or refund be made liable to further *rigorous* imprisonment for not more than six months.		
53	Any person refusing or neglecting to comply with request from a chowkeydar or Police officer to arrest as prescribed in section 52.	"	"	"	"	Fine not exceeding Rs. 50, or imprisonment not exceeding two months.	"	
55	Chowkeydar, Jemadar, or Inspector appointed under this Act convicted of neglect of duty or misconduct.	"	"	"	"	Fine not exceeding half a month's wages, or imprisonment not exceeding six months.	"	* Magistrate bound to receive and try all com this section. Nothing in this section to prevent the Magistrate as aforesaid for trial to the Sessions, or to limit ment of such offence under the general law.

MUNICIPAL POLICE CHOWKEYDARS UNDER ACT XX OF 1856, N. W. P.

2. Every town has a certain number of jemadars and chowkeydars in proportion to the size of the town, the population, and the nature of the locality. Their pay has been fixed according to the amount of the cess at the disposal of the Magistrate —no town chowkeydar receiving less than Rs. 3, and no jemadar less than Rs. 5. The cost of clothing and badges, at the rate of 8 annas per mensem for every chowkeydar, will be provided by the town, and be paid annually to the District Superintendent, who will keep a separate account of the same.

3. No changes or alterations in the strength of this force will hereafter be allowed, unless sanctioned by the Inspector-General of Police. All proposed additions or changes in the strength of the force must be immediately reported by the District Superintendent to the office of Inspector-General of Police. In all towns hereafter brought under the Act, the strength of chowkeydars apportioned by the Magistrate must be immediately reported by District Superintendent of Police in the following form:—

Town.	Population by Census of 1864.	Probable annual Income.	Station Police Force.				Strength of Town Chowkeydars.				Total Cost of Town Chowkeydars.	Remarks.
			Sub-Inspectors.	Head Constables.	Mounted Constables.	Foot Constables.	Number of Jemadars.	Rate of Pay.	Number of Chowkeydars.	Rate of Pay.		

4. Town chowkeydars will be nominated by the mohulla punchayets, subject to approval of District Superintendent and Magistrate, and they will all be enrolled under Act V of 1861. A large portion of them should invariably be residents of the town. Their dismissal, reward, and punishment, under Act XX of 1856, or

Section 7, Act V of 1861, will be in the hands of District Superintendent, subject to the control of the Magistrate of the district. Their pay will be distributed monthly, through the Inspector of the circle or Sub-Inspector of the division in which the town is situated (*vide* Circular No. 40 of 1867, paragraph 6.)

5. The duties of the town chowkeydars will be entirely confined within the precincts of the town. They will consist principally of watch and ward of the town; but they will also be employed in conjunction with station Police constabulary in the execution of warrants, the serving of summons or other process, the observation of notorious bad characters, the enquiry or pursuit after absconded offenders, local investigation into offences, the prevention of offences and the preservation of peace on the main thoroughfares during the day.

6. The city will be divided into beats, according to the number of chowkeydars, two or three chowkeydars to each beat. The beats will be divided among the jemadars, each jemadar having charge of a circle of twelve to eighteen beats.

7. The commission of an offence, or other urgent information, will be at once reported at the Police station by the chowkeydar of the beat, or by the jemadar of the circle; and jemadars of circles will report morning and evening at the Police station, and their report be entered in the daily diary.

8. Town chowkeydars will be allowed to live at their own houses, or at the *nakas*, as may be deemed convenient; but they will be mustered every evening at the *naka* by the jemadar of the circle before going on beat, and the jemadar of the circle will be held responsible to see that they remain on beat during the night. A certain number of chowkeydars will attend in turn at the Police station and at the chowkeys during the day.

9. Town chowkeydars will wear the uniform prescribed by Circular No. 17 of 1866, and the jemadar will be held responsible to see that they keep themselves clean and tidy. They will be uniformly armed with *lattees* and swords, or spears and swords, as may be deemed best suited to the towns they have to guard.

10. On occasions of large religious or other assemblies, thet own chowkeydars will attend and give their aid in preserving order, but this duty will ordinarily be performed by a body of constabulary Police from the reserve.

11. A printed copy of these rules, in English, Oordoo, and Hindee, will be hung up in every Police station and chowkey of a town provided with town chowkeydars under Act XX of 1856.

Circular No. 7, dated 4th April 1862.—Chief constables of all sudder station cities to take a daily report from the city watch and ward Police of the cleanliness of the town, entering such report in the station diary of the day.

2. Wherever a conservancy establishment is kept up, the menials employed should be ordered by the Police to clean away filth, and any neglect to do so should be reported in the daily diary for the information of the Magistrate.

Paragraph 6, *Circular No.* 40 *of* 1867.—Arrangement should be made to distribute the pay of the town chowkeydars under Act XX of 1856, on the 15th day of each month. The same forms of *kubz-ool-wusool* should be used as for village chowkeydars; but the receipts and accounts of the two bodies in each station should be kept entirely distinct. There should be a separate *kubz-ool-wusool* of the pay of town chowkeydars for every town.

MUNICIPALITIES, CENTRAL PROVINCES.

A Bill to extend the Panjáb Municipal Act, 1873, *to the Central Provinces.*

For the purpose of extending the Panjáb Municipal Act, 1873, to the Central Provinces; It is hereby enacted as follows:—

1. The said Act shall extend to the Central Provinces, but subject to the following modifications, that is to say—

(a.) The title and preamble, Section one, paragraph one, and Section two, shall be read as if, after the word 'Panjáb,' the words "and Central Provinces" were inserted.

(b.) Section one, paragraph two, shall be read as if, for the words "under the government of the Lieutenant-Governor of the Panjáb," the words "respectively under the government of the Lieutenant-Governor of the Panjáb, and the administration of the Chief Commissioner of the Central Provinces," were substituted.

(c.) In Sections four, five, six, and seven, after the words "*Panjáb Gazette*" (whatever they occur), the words "or *Central Provinces Gazette*, as the case may be," shall be inserted.

NATURALIZATION ACT.

35 & 36 VICT., C. 39.

(*In continuation of note on p.* 57.)

1. This Act may be cited for all purposes as the Naturalization Act, 1872, and this Act and "The Naturalization Act, 1870," may be cited together as "The Naturalization Acts, 1870 and 1872."

2. Any renunciation of naturalization or of nationality made in manner provided by the said supplementary convention by the persons and under the circumstances in the said convention in that behalf mentioned shall be valid to all intents, and shall be deemed to be authorized by the said Naturalization Act, 1870. This section shall be deemed to take effect from the date at which the said supplementary convention took effect.

3. Nothing contained in "The Naturalization Act, 1870," shall deprive any married woman of any estate or interest in real or personal property to which she may have become entitled previously to the passing of that Act, or affect such estate or interest to her prejudice.

SCHEDULE.

Convention between Her Majesty and the United States of America, supplementary to the Convention of May 13, 1870, respecting naturalization.

Signed at Washington, 23rd February 1871.

ARTICLE I.

Any person being originally a citizen of the United States who had, previously to May 13, 1870, been naturalized as a British subject, may at any time before August 10, 1872, and any British subject who at the date first aforesaid, had been naturalized as a citizen within the United States, may at any time before May 12, 1872, publicly declare his renunciation of such naturalization by subscribing an instrument in writing, substantially in the form hereunto appended, and designated as annex. A.

Such renunciation by an original citizen of the United States, of British nationality, shall, within the territories and jurisdiction of the United States, be made in duplicate in the presence of any Court authorized by law for the time being to admit aliens to naturalization, or before the clerk or prothonotary of any such Court: if the declarant be beyond the territories of the United States, it shall be made in duplicate, before any diplomatic or consular officer of the United States. One of such duplicates shall remain of record in the custody of the Court or officer in whose presence it was made; the other shall be, without delay, transmitted to the department of State.

Such renunciation, if declared by an original British subject, of his acquired nationality as a citizen of the United States, shall, if the declarant be in the United Kingdom of Great Britain and Ireland, be made in duplicate, in the presence of a Justice of the Peace; if elsewhere in Her Britannic Majesty's dominions, in triplicate, in the presence of any Judge of civil or criminal jurisdiction, of any Justice of the Peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose; if out of Her Majesty's dominions, in triplicate, in the presence of any officer in the diplomatic or consular service of Her Majesty.

ARTICLE II.

The contracting parties hereby engage to communicate each to the other, from time to time, lists of the persons who, within their respective dominions and territories, or before their diplomatic and consular officers, have declared their renunciation of naturalization, with the dates and places of making such declarations, and such information as to the abode of the declarants, and the times and places of their naturalization, as they may have furnished.

NON-COGNIZABLE CASES.

(Lower Bengal Rules.)

A Magistrate directing an inquiry to be made by the Police, under Sections 109 and 110, Criminal Procedure, into a case which is not cognizable by the Police, should in the first instance send his order to the sub-district officer, and not to the officer in charge of the Police station direct.

The sub-district officer will forward with his endorsement the Magistrate's order to the officer he wishes to make the inquiry (see notes on Sections 109 and 110, Code of Criminal Procedure, forwarded with Circular No. 2 of 1870). This officer will then proceed in the same manner as he would in a cognizable case, excepting in the following two particulars:—

1*st*.—He shall not send in a first information report.

2*nd*.—He shall not arrest the accused without a warrant.

The order of a Magistrate to hold an inquiry into a non-cognizable case does not give the Police the power of arresting the accused for an offence for which the law forbids arrest without a warrant.

A report of the case under Section 146, Code of Criminal Procedure, will be sent by the investigating officer to the sub-district Police officer, who will forward it at once to the Magistrate who ordered the investigation.

If on the receipt of the report the Magistrate issue warrant or summons against the accused, the Police officer will report the case in A Form, and proceed as he would in a cognizable case.

But if the Magistrate does not issue either a warrant or summons, the case will be reported in either B, C, or D Form, as the circumstances demand.

Non-cognizable cases will not be entered in any of the books kept at sub-district or district head-quarters, nor in any of the returns furnished by sub-district officers, or District Superintendents, except by special orders.

In registers A, B, C, and D at Police stations, such cases should be distinguished by the word non-cognizable at the head of the counterfoil.

1. In some districts complaints of offences triable under Chapter XVI of the Procedure Code are frequently referred to the Police for local inquiry. This

practice is injurious to the Police, and contrary to the intention of the law. The law lays down in such cases a definite procedure both in respect of the complainant and accused person, and does not contemplate any such preliminary enquiry by a Police officer as is ordered under Sections 89, 102, 103, 109, 110, 111, 112, 114, 116, 117, first part, 118, 119, 120, 121, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 136, 379, and 380 of the Code. The provisions of Sections 151 and 210 sufficiently show this. It is open to doubt whether the daily record of proceedings prescribed in Section 126 can be required of a Police officer deputed to make inquiry into an offence triable under Chapter XVI. Certainly the practice is undesirable from a Police point of view, inasmuch as the employment of the Police in petty non-cognizable cases takes them off their more important and legitimate duties.

In such cases a Police officer should be deputed only when the Magistrate requires information on a specific matter of fact, and not to hold a general inquiry into the circumstances of the complaint.

2. The above remarks apply to petty offences only, and not to the commission of such crimes as are heinous in themselves, or injurious to the public safety or morals, but in which the Police have no power to arrest. The collecting of arms for purposes of raising war (Section 122), omission to give information required by law (Section 166), the giving or fabricating false evidence by which any person has been convicted (Section 194), fraudulent use of false weights or measures (Section 264 and following sections), and such like. In such cases it is the duty and part of the Police on obtaining information of such to ascertain the facts or circumstances, and to lay the information themselves before a Magistrate under Section 24 of Act V of 1861.

(These two last paras. represent fairly the views of all the chief Criminal Courts of Northern India.)

NORTHERN INDIA CANAL AND DRAINAGE ACT.

ACT VII OF 1873.

1. This Act may be called "The Northern India Canal and Drainage Act, 1873:"

It extends to the territories for the time being respectively under the government of the Lieutenant-Governors of the North-Western Provinces and the Punjab, and under the administration of the Chief Commissioners of Oudh and the Central Provinces; and applies to all lands whether permanently settled, temporarily settled, or free from revenue;

And it shall come into force on the passing thereof.

3. In this Act—unless there be something repugnant in the subject or context—

(1) "Canal" includes—

(*a*) all canals, channels and reservoirs constructed, maintained or controlled by Government for the supply or storage of water;

(*b*) all works, embankments, structures, supply and escape-channels connected with such canals, channels or reservoirs;

(*c*) all water-courses, as defined in the second clause of this section;

(*d*) any part of a river, stream, lake or natural collection of water, or natural drainage-channel, to which the Local Government has applied the provisions of Part II of this Act;

(2) "Water-course" means any channel which is supplied with water from a canal, but which is not maintained at the cost of Government, and all subsidiary works belonging to any such channel;

(3) "Drainage-work" includes escape-channels from a canal, dams, weirs, embankments, sluices, groins and other works for the protection of lands from flood or from erosion, formed or maintained by the Government under the provisions of Part VII of this Act but does not include works for the removal of sewage from towns;

(4) "Vessel" includes boats, rafts, timber and other floating bodies;

(5) "Commissioner" means a Commissioner of a Division, and includes any officer appointed under this Act to exercise all or any of the powers of a Commissioner;

(6) "Collector" means the head revenue officer of a district, and includes a Deputy Commissioner or other officer appointed under this Act to exercise all or any of the powers of a Collector;

7. "Canal Officer" means an officer appointed under this Act to exercise control or jurisdiction over a canal or any part thereof;

"Superintending Canal Officer" means an officer exercising general control over a canal or portion of a canal;

"Divisional Canal Officer" means an officer exercising control over a sub-division of a canal;

"Sub-Divisional Canal Officer" means an officer exercising control over a sub-division of a canal;

(8) "District" means a district as fixed for revenue purposes.

4. The Local Government may from to time declare, by notification in the official *Gazette*, the officers by whom, and the local limits within which, all or any of the powers or duties herinafter conferred or imposed shall be exercised or performed.

All officers mentioned in section three, clause (7), shall be respectively subject to the orders of such officers as the Local Government from time to time directs.

51. If any charge due under the provisions of this Part in respect of any vessel is not paid on demand to the person authorized to collect the same, the Divisional Canal Officer may seize and detain such vessel and the furniture thereof, until the charge so due, together with all expenses and the additional charges arising from such seizure and detention, is paid in full.

52. If any charge due under the provisions of this Part in respect of any cargo or goods carried in a Government vessel on a canal, or stored on or in lands or warehouses occupied for the purposes of a canal, is not paid on demand to the person authorized to collect the same, the Divisional Canal Officer may seize such cargo or goods and detain them until the charge so due, together with all expenses and additional charges arising from such seizure and detention, is paid in full.

53. Within a reasonable time after any seizure under section fifty-one or section fifty-two the said Canal Officer shall give notice to the owner or person in charge of the property seized that it, or such portion of it as may be necessary, will, on a day to be named in the notice, but not sooner than fifteen days from the date of the notice, be sold in satisfaction of the claim on account of which such property was seized, unless the claim be discharged before the day so named:

And if such claim be not so discharged, the said Canal Officer may, on such day, sell the property seized or such part thereof as may be necessary to yield the amount due, together with the expenses of such seizure and sale:

Provided that no greater part of the furniture of any vessel or of any cargo or goods shall be so sold than shall, as nearly as may be, suffice to cover the amount due in respect of such vessel, cargo or goods.

The residue of such furniture, cargo or goods, and of the proceeds of sale shall be made over to the owner or person in charge of the property seized.

63. For the purposes referred to in this Part, sections (63-66) the word "laborer" includes persons who exercise any handicraft specified in rules to be made in that behalf by the Local Government.

64. In any district in which a canal or drainage-work is constructed, maintained or projected by Government, the Local Government may, if it thinks fit, direct the Collector.

(a) to ascertain the proprietors, sub-proprietors or farmers, whose villages or estates are, or will be, in the judgment of the Collector, benefited by such canal or drainage-work, and

(b) to set down in a list, having due regard to the circumstances of the district and of the several proprietors, sub-proprietors or farmers, the number of labourers which shall be furnished by any of the said persons, jointly or severally, from any such village or estate, for employment on any such canal or drainage-work when required as hereinafter provided.

The Collector may, from time to time, add to or alter such list or any part thereof.

65. Whenever it appears to a Divisional Canal Officer duly authorized by the Local Government, that, unless some work is immediately executed, such serious daimage will happen to any canal or drainage-work as to cause sudden and extensive public injury,

and that the labourers necessary for the proper execution thereof cannot be obtained in the ordinary manner within the time that can be allowed for the execution of such work so as to prevent such injury,

the said officer may require any person named in such list to furnish as many labourers (not exceeding the number which, according to the said list, he is liable to supply) as to the said officer seem necessary for the immediate execution of such work.

Every requisition so made shall be in writing, and shall state

(a) the nature and locality of the work to be done,

(b) the number of labourers to be supplied by the person upon whom the requisition is made, and

(c) the approximate time for which and the day on which the labourers will be required;

and a copy thereof shall be immediately sent to the Superintending Canal Officer for the information of the Local Government.

The Local Government shall fix, and may from time to time alter, the rates to be paid to any such labourers, provided that such rates shall exceed the highest rates for the time being paid in the neighbourhood for similar work. In the case of such labourer, the payment shall continue for the whole period during which he is, in consequence of the provisions of this Part, prevented from following his ordinary occupation.

The Local Government may, with the previous sanction of the Governor-General in Council, direct that the provisions of this Part shall apply, either permanently or temporarily (as the case may be), to any district or part of a district for the purpose, of effecting necessary annual silt clearances, or to prevent the proper operation of a canal or drainage-work being stopped or so much interfered with as to stop the established course of irrigation or drainage.

66. When any requisition has been made on any person named in the said list, every labourer ordinarily resident within the village or estate of such person shall be liable to supply, and to continue to supply, his labour, for the purposes aforesaid.

71. Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act: Provided that no person shall be punished twice for the same offence.

PART XI.

Of Subsidiary Rules.

75. The Local Government may from time to time, with the previous sanction of the Governor-General in Council, make rules to regulate the following matters:—

(1) The proceedings of any officer who under any provision of this Act, is required or empowered to take action in any matter:

(2) the cases in which, and the officers to whom, and the conditions subject

to which, orders and decisions given under any provision of this Act, and not expressly provided for as regards appeal, shall be appealable;

(3) the persons by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this Act, shall be done;

(4) the amount of any charge made under this Act;

(5) and generally to carry out the provisions of this Act.

The Local Government may, from time to time, with the like sanction, alter or cancel any rules so made.

Such rules, alterations and cancelments shall be published in the local Official Gazette, and shall thereupon have the force of law.

Schedule of Offences punishable under Act VII of 1873.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
70	Whoever without proper authority and voluntarily does any of the acts following, that is to say,— (1) injures, alters, enlarges or obstructs any canal or drainage-work; (2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under, any canal or drainage-work; (3) interferes with or alters the flow of water in any river or stream, so as to endanger, injure, or render less useful any canal or drainage-work; (4) being responsible for the maintenance of or using a water-course, neglects to take proper precautions for the prevention of waste of the water in such water-course, or interferes with the authorized distribution of the water	person.	may remove from the lands or buildings belonging to forthwith before a Magistrate or to the nearest Police-any of the following offences:— from any canal or drainage-work, or in any river or *Otherwise not cognizable.*	mons.	able.	exceeding one month, or both.	Government directs.	may direct that the whole or any part of such fine may or agent of such owner, or other person in charge of recovered either in the manner prescribed by the Code were a charge due in respect of such vessel.

therefrom, or uses such water in an unauthorized manner; (5) corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used; (6) causes any vessel to enter or navigate any canal contrary to the authorized rules laid down for entering or navigating such canal; (7) while navigating on any canal, neglects to take proper precautions for the safety of the canal and of vessels thereon; (8) being liable to furnish labourers under Part VIII of this Act, fails, without reasonable cause, to supply or to assist in supplying the labourers required of him; (9) being a labourer liable to supply his labour under Part VIII of this Act, neglects, without reasonable cause, so to supply, and to continue to supply, his labour; (10) destroys or moves any level-mark or water-gauge fixed by the authority of a public servant; (11) passes, or causes animals or vehicles to pass, on or across any of the works, banks or channels of a canal or drainage-work contrary to rules made under this Act, after he has been desired to desist therefrom; (12) violates any rule made under this Act for breach whereof a penalty may be incurred.	Any	73. Any person in charge of or employed upon any canal or drainage-work such canal or drainage-work, or may take into custody without a warrant and take station, to be dealt with according to law, any person who, within his view, commits (1) wilfully injures or obstructs any canal or drainage-work; (2) without proper authority interferes with the supply or flow of water in or stream, so as to endanger, injure, or render less useful any canal or drainage work.	Sum	Bail	Fine not exceeding Rs. 50, or imprisonment not . Magistrate of such class as the Local Magistrate

72. Whenever any person is fined for an offence under this Act, the Magistrate be paid by way of compensation to the person injured by such offence.

55. A fine imposed under this Act upon the owner of any vessel, or the servant any vessel, for any offence in respect of the navigation of such vessel, may be of Criminal Procedure, or, if the Magistrate imposing the fine so directs, as though it

OATHS ACT (No. X) OF 1873.

A Bill to consolidate the law relating to Judicial Oaths and for other purposes.

WHEREAS it is expedient to consolidate the law relating to judicial oaths, affirmations and declarations, and to repeal the law relating to official oaths, affirmations and declarations; It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called "The Indian Oaths Act, 1873:"

It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the territories of Native Princes and States in alliance with Her Majesty;

And it shall come into force on the first day of May 1873.

2. The enactments specified in the schedule hereto annexed are repealed to the extent mentioned in the third column thereof.

3. Nothing herein contained applies to proceedings before Courts Martial, or to oaths, affirmations or declarations prescribed by any law, which, under the provisions of the Indian Councils' Act, 1861, the Governor-General in Council has not power to repeal.

II.—Persons authorized to administer Judicial Oaths and Affirmations.

4. The following Courts and persons are authorized to administer, by themselves or by an officer empowered by them in this behalf, oaths and affirmations in discharge of the duties or in exercise of the powers imposed or conferred upon them respectively by law:—

(*a*). All Courts and persons having by law or consent of parties authority to examine such persons or to receive evidence;

(*b*). The Commanding Officer of any military station occupied by troops in the service of Her Majesty: provided

(1) that the oath or affirmation be administered within the limits of the station, and

(2) that the oath or affirmation be such as a Justice of the Peace is competent to administer in British India.

III.—Persons by whom Oaths or Affirmations must be made.

5. Oaths or affirmations shall be made by the following persons:—

(*a.*) All witnesses, that is to say, all persons who may lawfully be examined, or give, or be required to give, evidence by or before any Court or person having by law or consent of parties authority to examine such persons or to receive evidence:

(*b.*) Interpreters of questions put to, and evidence given by, withnesses, and

(*c.*) Jurors.

Nothing herein contained shall render it lawful to administer in a criminal proceeding an oath or affirmation to the accused person, or necessary to administer to the official interpreter of any Court, after he has entered on the execution of the duties of his office, an oath or affirmation that he will faithfully discharge those duties.

6. Where the witness, interpreter or juror is a Hindu or Muhammadan,

or has an objection to making an oath,

he shall, instead of making an oath, make an affirmation.

In every other case the witness, interpreter or juror shall make an oath.

IV.—Forms of Oaths and Affirmations.

7. All oaths and affirmations made under section five shall be administered according to such forms as the High Court may from time to time prescribe.

And until any such forms are prescribed by the High Court, such oaths and affirmations shall be administered according to the forms now in use.

8. If any party to, or witness in, any judicial proceeding offers to give evidence on oath or solemn affirmation in any form common amongst, or held binding by, persons of the race or persuasion to which he belongs, and not repugnant to justice or decency, and not purporting to affect any third person, the Court may, if it thinks fit, notwithstanding anything hereinbefore contained, tender such oath or affirmation to him.

9. If any party to any judicial proceeding offers to be bound by any such oath or solemn affirmation as is mentioned in section eight, if such oath or affirmation is made by the other party to, or by any witness in, such proceeding, the Court may, if it thinks fit, ask such party or witness or cause him to be asked whether or not he will make the oath or affirmation.

10. If such party or witness agrees to make such oath or affirmation, the Court may proceed to administer it, or if it is of such a nature that it may be more conveniently made out of Court, the Court may issue a commission to any person to administer it, and authorize him to take the evidence of the person to be sworn or affirmed and return it to the Court.

11. The evidence so given shall, as against the person who offered to be bound as aforesaid, be conclusive proof of the matter stated.

12. If the party or witness refuses to make the oath or solemn affirmation, referred to in section 8, he shall not be compelled to make it, but the Court shall record as part of the proceedings, the nature of the oath or affirmation proposed, the facts that he was asked whether he would make it, and that he refused it, together with any reason which he may assign for his refusal.

Provided that no party or witness shall be compelled to attend personally in Court solely for the purpose of answering such question.

Miscellaneous.

13. No omission to take any oath or make any affirmation, no substitution of any one for any other of them, and no irregularity whatever in the form in which any one of them is administered, shall invalidate any proceeding or render inadmissible any evidence whatever, in or in respect of which such omission, substitution or irregularity took place or shall affect the obligation of a witness to state the truth.

14. Every person giving evidence on any subject before any Court or person hereby authorised to administer oaths and affirmations shall be bound to state the truth on such subject.

15. The Indian Penal Code, sections 178 and 181, shall be construed as if, after the word "oath," the words "or affirmation" were inserted.

V.—Official Oaths.

16. Subject to the provisions of sections three and five, on person appointed to any office shall, before entering on the execution of the duties of his office, be required to make any oath, or to make or subscribe any affirmation or declaration, whatever.

PANJAB CHIEF COURT.

ACT IV OF 1866.

An Act to amend the constitution of the Chief Court of Judicature in the Panjab and its Dependencies.

I. In this Act, unless there be something repugnant in the subject or context—

"Punjab" means the territories for the time being under the Government of the Lieutenant-Governor of the Punjab and its Dependencies.

"Lieutenant-Governor" means the Lieutenant-Governor for the time being of the Punjab.

"Chief Court" means the Chief Court of the Punjab constituted under this Act.

"Judge" "Registrar," and other words denoting any particular officer respectively include any person for the time being authorized to act as such Judge, Registrar or other officer.

"Magistrate" denotes any person exercising any of the powers of a Magistrate as defined in the Code of Criminal Procedure.

"Barrister" includes Barristers of of England or Ireland, and Members of the Faculty of Advocates in Scotland.

"Section" denotes a section of this Act.

Words in the singular include the plural: words in the plural include the singular.

Words importing the masculine gender include females.

The Registrar shall have such powers, and perform such duties as shall be given and assigned to him by the Court by any rule duly made by the Court under the forty-fourth Section.

IX. The Chief Court shall have, and use as occasion may require, a seal with this inscription, "The seal of the Chief Court of the Punjab," to be made under the directions of the Lieutenant-Governor; and all summonses, decrees and other process issuing out of the Court shall be stamped with such seal, and signed by a Judge or the Registrar or Deputy Registrar of the Court.

X. Any person duly authorized by the Secretary of State for India in Council to appear, plead or act on his behalf; (2) any suitor appearing, pleading or acting on his own behalf or on behalf of a co-suitor; (3) any person who, for the time being, is an Advocate, Vakeel or Attorney-at-law of any of the High Courts of Judicature in India or of the Sudder Court of the North-Western Provinces,—shall be permitted to appear and act as the pleader of any suitor in the Chief Court in any suit or touching any mattter whatever. Save as aforesaid, no person shall be permitted to appear or act as the pleader of any suitor in the Chief Court in any suit or touching any matter whatever, unless such person shall have been previously licensed by the Courts to act for the suitors of such Court generally, or specially for the particular occasion. It shall be lawful for the Judges to make rules for the qualification and admission of proper persons to act as pleaders in the Court.

XI. The Chief Court may for sufficient reason revoke any license which the Court shall at any time grant to any person to act generally or specially as a pleader under this Act, and may for sufficient reason suspend any person whatsoever from appearing or acting as a pleader in any suit, or touching any matter.

XII. The fees to be received by any pleader, other than an Advocate of a High Court shall be subject to the order and control of the Court, and no fees shall be recoverable by any such pleader except such fees as shall be allowed under the forty-fourth Section.

XIII. The Chief Court shall be the highest Court of Appeal from the Civil and Criminal Courts in the Punjab, and shall (subject to the provision hereinafter contained) be the only Court exercising appellate jurisdiction in such cases subject to appeal to the highest Civil and Criminal Court in the Punjab by virtue of any law or practice now in force, or as shall become subject to appeal to the Chief Court by virtue of any law hereafter made by the Governor-General of India in Council.

XV. The Chief Court may withdraw any suit or appeal from any Court subject to its superintendence other than a Court of Small Causes or a Court of a Cantonment Magistrate, and refer such suit or appeal for trial to any other Subordinate Court competent in respect of the value or amount of the suit to try the same.

XVI. The Chief Court may call for the record of any case decided by any Court of Small Causes, or on appeal by any Court subject to its superintendence in

which no appeal shall lie to the Chief Court, if such Court of Small Causes or Subordinate Court, in hearing the appeal, shall appear to have exercised a jurisdiction not vested in it by law.

XX. The Chief Court shall have power, as a Court of original jurisdiction, to try European Bristish subjects committed to it for trial; and from the date on which this Act shall come into operation no commitment of a European British subject for trial by a High Court of Judicature shall be made by any Court or officer in the Punjab; but every commitment which, if this Act had not been passed, could have been made to a High Court, shall be made to the Chief Court. Whenever any such European British subject shall be committed or bailed for trial before the Chief Court, the Chief Court shall direct at what place within the limits of its jurisdiction the trial shall be held.

XXI. Any Justice of the Peace or Magistrate who shall commit to custody or hold to bail any European British subject for trial before the Chief Court, shall, together with the record of the preliminary enquiry and all recognizances and other documents and any weapon or article of property connected with the case, deliver to the Registrar of the Chief Court a written instrument of charge signed by him, stating for what offence such European British subject is so committed or held to bail.

XXII. The Chief Court shall consider the charge, and may, if it appear necessary or expedient so to do, amend, alter, or add to the same. The charge, with such amendments, alterations or additions, if any, shall be recorded in the Chief Court, and the person charged shall be entitled to have a copy of such charge with such amendments, alterations, or additions (if any) gratis.

XXIII. The person charged shall also, if he demands them at a reasonable time before the trial, be furnished with copies of the depositions of witnesses upon whose depositions he has been so committed or held to bail, on payment of a reasonable sum for the same, not exceeding one anna for each folio of ninety words.

XXIV. Upon charges recorded as aforesaid, persons committed to custody or held to bail shall be deemed to have been brought before the Chief Court in due course of law, and (subject to the provisions contained in the Code of Criminal Procedure as to the amendment and alteration of charges, and subject also to the provisions of the next following section) shall be tried upon the charges so recorded.

XXV. When any such charge shall have been recorded in the Chief Court as aforesaid, and shall at any time before the commencement of the trial of the person charged appear to the Chief Court to be clearly unsustainable, an entry to that effect may be made on the charge by a Judge of the Court. Such entry shall have the effect of staying proceedings upon the charge, but shall not operate as an acquittal of the person charged unless and until three years from the time of making the entry shall have elapsed, at the expiration of which period, if no fresh charge have been brought on the same matter, he shall be considered as having been acquitted.

XXVI. The Chief Court shall ordinarily hold its sittings at the seat of Government of the Punjab: but it may from time to time, with the aproval of the Lieutenant-Governor, hold sittings at such other places in the Punjab as shall seem convenient. Due notice shall be given beforehand in the Official Gazette of all sittings intended to be held for the trial of cases in the exercise of the original Criminal jurisdiction of the Court.

XXVII. Pending the directions of the Chief Court as to the place of trial, every such European British subject as is referred to in the Twenty-first Section shall (if not out on bail) be committed by the Justice of the Peace or Magistrate for intermediate custody to the nearest criminal gaol in which he can be most conveniently confined. If the trial shall be directed to be held at the usual place of sitting of the Court, the Justice of the Peace or Magistrate shall bind over the person charged to appear and take his trial at such usual place of sitting, or shall commit him to the gaol at such place. If the Chief Court shall direct that the person charged

be tried elsewhere than at its usual place of sitting, the Justice of the Peace or Magistrate shall bind him over to appear and take his trial at the place directed, or shall, if necessary, cause him to be removed to the place at which he is directed to be tried; and the officer in charge of such criminal gaol shall keep him in safe custody until discharge in due course of law.

XXVIII. It shall be lawful for the Chief Court to direct that all European British subjects committed or bailed for trial within certain specified districts or during certain specified periods of the year, shall be tried at the usual place of sitting of the Court, or to direct that they shall be tried at a particular place named, and also to order that such European British subjects shall, if not bailed, be committed for intermediate custody to a particular gaol, being one of the gaols appointed by the Government for the reception of such prisoners.

XXIX. All trials under the Twentieth Section shall be by jury.

XXX. Whenever the Chief Court shall have given notice of its intention to hold sittings at any place (whether at the seat of the Punjab or otherwise) for the exercise of its Original Criminal jurisdiction, the Court of Session at such place shall take and cause to be taken the measures prescribed by Sections 407, 409, 410, 411 and 412 of the Code of Criminal Procedure for the summoning of jurors; and in addition to the persons so summoned as jurors the said Court of Session shall, if it shall think needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-Commissioned Officers in the Military service resident within ten miles of its place of sitting as the Court shall consider to be necessary to make up the juries required for the trial of European British subjects charged with offences before the Chief Court as aforesaid. All Commissioned and Non-Commissioned Officers so summoned shall be liable to serve on such juries notwithstanding anything contained in the Code of Criminal Procedure, but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer shall desire to have excused on the ground of urgent Military reason. The juries for the trial of European British subjects as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned under the said sections of the Code of Criminal Procedure, and from the Commissioned and Non-Commissioned Officers summoned as aforesaid, or, if no such officers have been summoned, then solely from the persons summoned under the same sections.

XXXI. If any European British subject charged as aforesaid shall so require before the jury shall be empannelled, the majority of the jurors shall consist of Europeans or Americans or both Europeans and Americans.

XXXII. On every trial of an European British subject under this Act, the jury shall consist of twelve persons, and unanimity, or a majority of not less than nine with the concurrence of the presiding Judge, shall be necessary for a verdict of guilty. In default of such unanimity, or of such majority and concurrence, the prisoner shall be acquitted.

XXXIII. So much of the Two hundred and Eighty-seventh Section of the Code of Criminal Procedure as requires the confirmation by the Sudder Court of sentences of death passed by a Court of Session, and so much of the said section as requires from the Court a statement of the grounds on which a person convicted of an offence made punishable by death by the Indian Penal Code has been sentenced to a punishment other than death, shall not apply to sentences by the Chief Court passed in the exercise of its original criminal jurisdiction.

XXXIV. So much of the Thirty-fourth Chapter of the Code of Criminal Procedure as requires judgment to be passed by a Criminal Court in any particular form, and as requires that the sentence or finding shall be recorded in any particular form, shall not apply to judgments, sentences or findings in trials before the Chief Court acting in the exercise of its original criminal jurisdiction; but the Chief Court shall pass judgment and shall record or cause to be recorded the sentence and finding in such form as it shall think proper.

XXXV. When any person has been convicted of an offence before a Judge of the Chief Court acting in the exercise of its original criminal jurisdiction, the Judge, if he think proper, may reserve for the decision of a Court consisting of such Judge and one or more other Judge or Judges of the Chief Court, any question of law or of the admissibility of evidence which has arisen in the course of the trial of such person. If the Judge reserve no such question, he shall forward the prisoner with a copy of his sentence and a warrant for the execution of the same to the Magistrate or other officer in charge of the gaol of the district or place in which the trial was held, and on the receipt of the warrant, such Magistrate or other officer shall proceed as provided in the Three hundred and fifth Section of the Code of Criminal Procedure. If the Judge reserve any question of law or of the admissibility of evidence, the person convicted shall, pending the decision thereon, be remanded to gaol. If the decision on the question be adverse to the person convicted, the Court shall send a copy of its sentence and warrant for the execution of the same to the Magistrate or other officer in charge of the gaol to which the prisoner shall have been remanded, and such Magistrate or other officer shall proceed as provided in the same section.

XXXVI. Save as is hereinbefore otherwise provided, the Code of Criminal Procedure shall apply to the constitution and formation of juries for the purpose of trials before the Chief Court acting in the exercise of its original criminal jurisdiction and to trials before such Court and to sentences by such Court and to the carrying into execution of such sentences.

XXXVII. Every European British subject apprehended within the Punjab or delivered into the custody of a Magistrate within the Punjab wherever apprehended, shall be amenable to the law for any offence committed by him within the territory of any Foreign Prince or State, and may be bailed or committed for trial as hereinafter provided on the like evidence as would warrant his being bailed or committed for trial for the same offence if it had been committed in the Punjab.

XXXVIII. The committing Magistrate immediately and before the trial shall report the case to the Lieutenant-Governor, and shall obey the orders which he shall receive thereon, and the Lieutenant-Governor may order the trial to be had before the Chief Court.

XXXIX. When the offence is charged to have been committed in the territory of any Foreign Prince or State, administered by officers acting under the authority of the Government of India, in which territory a Court competent to try the person charged is established by authority of the Governor-General of India in Council, the Lieutenant-Governor may order such person to be conveyed in custody out of the Punjab for the purpose of delivering him up for trial before such Court.

XL. When the person charged is committed to custody, the form of the warrant shall specify the commitment to be until the orders of the Lieutenant-Governor can be received and acted on. When he is bailed, the form of the bail-bond shall be in the first instance to appear before the Magistrate on a certain day assigned, allowing reasonable time for the receipt of the orders of the Lieutenant-Governor, and on such subsequent days as the Magistrate shall from time to time require. If the Lieutenant-Governor shall order the person charged to be tried in the Chief Court, the Magistrate may cause the bail-bond to be renewed in the usual form to appear and take his trial in such Court.

XLI. In either case the special order of the Lieutenant-Governor shall be deemed full authority either for the trial of the person charged within the Punjab, or for conveying him in custody out of the Punjab as aforesaid.

XLII. No decree of any Civil Court shall be reversed or modified on appeal, and no sentence of any Criminal Court shall be reversed or modified on appeal or revision, save by the order of not less than two Judges of the Chief Court.

XLIII. Save as herein otherwise provided, the Chief Court may by its own rules provide for the exercise, by one or more Judges, of the original and appellate jurisdiction vested in such Court, in such manner as may appear to such Court to be convenient for the due administration of justice.

XLIV. The Chief Court shall have superintendence over all Courts which may be subject to its appellate jurisdiction, and shall have power to call for returns, to make and issue general rules for regulating the practice and proceedings of the Chief Court and of such Subordinate Courts, to give and assign to the Ministerial Officers of the said Chief Court and Subordinate Courts respectively such powers and duties as may seem fit, to frame and prescribe forms for every proceeding in the said Courts for which it shall think necessary that a form be provided, and also for keeping all books, entries and accounts to be kept by the officers, and to settle Tables of Fees to be allowed to pleaders, and from time to time to alter any such rule or form or tables; and the rules so made, and the forms so framed, and the tables so settled, shall be published in the Official Gazette, and after being so published shall be used and observed in the Chief Court: provided that such general rules and forms and tables be not inconsistent with the provisions of this Act or any law in force, and shall before they are issued have received the sanction of the Lieutenant-Governor.

XLVI. If the Chief Court shall consist of two Judges only, and if in any case heard by such Judges sitting together there shall be a difference of opinion between them, the following course shall be pursued, that is to say:—

(*1st.*) If the case be heard in appeal and the difference of opinion shall be on any question of fact in the finding of the Lower Court, the finding shall be upheld.

(*2nd.*) If the difference of opinion shall be on a point of law or of usage having the force of law, the ruling of the Lower Court shall in such case also be upheld, unless one of the Judges shall be of opinion that the point is one which ought to be referred to the High Court of Judicature at Calcutta, in which cases the Judges shall state the point as to which they differ, and forward such statement, with their opinions respectively, to such High Court. The Chief Court may proceed in the case notwithstanding such reference, and may pass a decree contingent upon the opinion of the High Court on the point referred; but no execution shall be issued in any case in which a reference shall have been made until the receipt of the order of the High Court.

(*3rd.*) If the case be heard by the Judges in the exercise of the original jurisdiction of the Chief Court, and the difference of opinion shall be on a point of law or usage having the force of law, the Judges shall state the point on which they differ, and proceed as last hereinbefore provided. The same rule shall be observed when a difference of opinion may arise between two Judges of the Court upon a point of law reserved under the Thirty-fifth Section.

(*4th.*) If the case be heard by the Judges in the exercise of the original jurisdiction of the Chief Court, and the difference of opinion be on a question of fact, the opinion of the Senior Judge shall prevail, and he shall pronounce his decision as the decision of the Court.

XLVII. Cases referred under this Act for the opinion of the High Court of Judicature at Calcutta shall be heard by not less than three Judges of that Court, and shall be determined according to the opinion of the majority of such judges.

XLVIII. The parties to such cases may appear, plead and act in the said High Court in person, or by an Advocate or Vakeel of such High Court; and the High Court, when it has heard and considered the case, shall transmit a copy of its opinion under the seal of the Court and the signature of the proper officer of the Court, to the Judges of the Chief Court. Costs, if any, consequent on the reference of a case for the opinion of the High Court under the Forty-sixth Section, shall be costs in the suit.

XLIX. The Chief Court shall keep such registers, books, and accounts, and submit to the Lieutenant-Governor such statements of the work done in the Court as may be required by him. The Chief Court shall also comply with such requisitions as may be made by the Governor-General of India in Council or by the Lieutenant-Governor for certified copies of or extracts from the records of the Court.

L. Save as is in this Act otherwise expressly declared, any function which is hereby directed to be performed by the Chief Court may be performed by any Judge or Judges thereof appointed in that behalf by any rule made under the Forty-fourth Section.

LI. Whenever the Lieutenant-Governor of the Punjab shall, under the authority vested in him by Section Forty-seven of the Pleaders', Mookhtars', and Revenue Agents' Act, 1865, extend the provisions of the said Act to the territories under his Government, nothing in the said Act shall affect the provisions of Section Ten, Eleven, and Twelve of this Act.

LIII. This Act may be cited as "The Punjab Chief Court Act, 1866."

PAPER CURRENCY.

Schedule of Offences punishable under Act III of 1871.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
22	Any body corporate or person in British India drawing, accepting, making, or issuing any bill of exchange, hundi, promissory note or engagement for the payment of money payable to bearer on demand, or borrowing, owing, or taking up any sum or sums of money on the bills, hundis or notes payable to bearer on demand, of any such body corporate or of any such person.*	The Head Commissioner, Commissioner or Deputy Commissioner, as the case may be, of the Circle of Issue in which such bill, hundi, note or engagement is drawn, accepted, made or issued.	N. C.	S.	B.	Fine equal to the amount of the bill, hundi, note or engagement in respect whereof the offence is committed. Fine to be recovered in the manner prescribed by C.P.C.	Magistrate of the 1st class.	* Provided that cheques or drafts payable to bearer on demand or otherwise may be drawn on bankers, shroffs, or agents, by their customers or constituents, in respect of deposits of money in the hands of such bankers, shroffs, or agents, and held by them at the credit and disposal of the persons drawing such cheques or drafts.

PASSPORTS.

Neither passports nor rahdari parwanas to be granted by officers to persons intending to travel from one part of India to another—(*Panj. C. 7 of* 1872.)

PENAL CODE, THE INDIAN

ACT XLV OF 1860.

CHAPTER I.

Title of the Code.

WHEREAS it is expedient to provide a General Penal Code for British India; It is enacted as follows:

1. This Act shall be called "The Indian Penal Code," and shall take effect on and from the 1st day of May 1861 throughout the whole of the territories which are or may become vested in Her Majesty by the Statute 21 & 22 Vict., c. 106, entitled "An Act for the better government of India," except the Settlement of Prince of Wales' Island, Singapore, and Malacca. [Postponed to 1st January 1862, by Act VI, 1861.]

2. Every person shall be liable to punishment under this Code and not otherwise for every act or omission contrary to the provisions thereof, of which he shall be guilty within the said territories on or after the said 1st day of January 1862.

3. Any person liable, by any law passed by the Governor-General of India in Council, to be tried for an offence committed beyond the limits of the said territories, shall be dealt with according to the provisions of this Code for any act committed beyond the said territories, in the same manner as if such act had been committed within the said territories.

4. Every servant of the Queen shall be subject to punishment under this Code for every act or omission contrary to the provisions thereof, of which he, whilst in such service, shall be guilty on or after the said 1st day of January 1862 within the dominions* of any Prince or State in alliance with the Queen, by virtue of any treaty or engagement heretofore entered into with the East India Company, or which may have been or may hereafter be made in the name of the Queen by any Government of India.

5. Nothing in this Act is intended to repeal, vary, suspend, or affect any of the provisions of the Statute 3 and 4 William IV., Chapter 85, or of any Act of Parliament passed after that Statute in anywise affecting the East India Company, or the said territories, or the inhabitants thereof; or any of the provisions of any Act for punishing mutiny and desertion of Officers and Soldiers in the service of Her Majesty or of the East India Company, or of any Act for the government of the Indian Navy, or of any special or local law.

CHAPTER II.

General Explanations.

6. Throughout this Code every definition of offence, every penal provision, and every illustration of every such definition or penal provision, shall be understood subject to the exceptions contained in the Chapter entitled "General Exceptions," though those exceptions are not repeated in such definition, penal provision, or illustration.

* See Extradition Act, s. 9, p. 889.

*Illustrations.**

(*a.*) The sections, in this Code, which contain definitions of offences do not express that a child under seven years of age cannot commit such offences; but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which is done by a child under seven years of age.

(*b.*) A, a Police Officer, without warrant, apprehends Z, who has committed murder. Here A is not guilty of the offence of wrongful confinement, for he was bound by law to apprehend Z, and therefore the case falls within the general exception, which provides that "nothing is an offence which is done by a person who is bound by law to do it."

7. Every expression which is explained in any part of this Code, is used in every part of this Code in conformity with the explanation.

8. The pronoun "he" and its derivatives are used of any person, whether male or female.

9. Unless the contrary appears from the context, words importing the singular number include the plural number, and words importing the plural number include the singular number.

10. The word "man" denotes a male human being of any age; the word "woman" denotes a female human being of any age.

11. The word "person" includes any Company or Association, or body of persons, whether incorporated or not.

12. The word "public" includes any class of the public or any community.

13. The word "Queen" denotes the Sovereign for the time being of the United Kingdom of Great Britain and Ireland.

14. The words "Servant of the Queen" denote all officers or servants continued, appointed, or employed in India by or under the authority of the said Statute 21 and 22 Vict., c. 106, entitled "An Act for the better government of India," or by or under the authority of the Government of India, or any Government.

15. The words "British India" denote the territories which are or may become vested in Her Majesty by the said Statute 21 and 22 Vict., c. 106, entitled "An Act for the better government of India," except the Settlement of Prince of Wales' Island, Singapore, and Malacca.

16. The words "Government of India" denote the Governor-General of India in Council, or, during the absence of the Governor-General of India from his Council, the President in Council, or the Governor-General of India alone, as regards the powers which may be lawfully exercised by them or him respectively.

17. The word "Government"† denotes the persons authorized by law to administer Executive Government in any part of British India.

18. The word "Presidency" denotes the territories subject to the Government of a Presidency.

19. The word "Judge" denotes not only every person who is officially designated as a Judge, but also every person who is empowered by law to give, in any legal proceedings, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive, or who is one of a body of persons, which body of persons is empowered by law to give such a judgment.

Illustrations.

(*a.*) A Collector exercising jurisdiction in a suit under Act X of 1859 is a Judge.

(*b.*) A Magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment, with or without appeal, is a Judge.

(*c.*) A Magistrate exercising jurisdiction in respect of a charge on which he has power only to commit for trial to another Court, is not a Judge.

20. The words "Court of Justice" denote a Judge who is empowered by law to act judicially alone, or a body of Judges which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

* Explain the law, but neither add to nor contradict it.

† See s. 161, P. C., Government includes a Ry. Co.'s Act XXXI of 1867.

21. The words "Public Servant" denote a person falling under any of the descriptions hereinafter following, namely :—

First.—Every Covenanted Servant of the Queen.

Second.—Every Commissioned Officer in the Military or Naval Forces of the Queen while serving under the Government of India or any Government.

Third.—Every Judge.

Fourth.—Every Officer of a Court of Justice whose duty it is, as such Officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court; and every person specially authorized by a Court of Justice to perform any of such duties.

Fifth.—Every juryman, assessor, or member of a punchayet assisting a Court of Justice, or public servant.

Sixth.—Every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court of Justice, or by any other competent public authority.

Seventh.—Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement.

Eighth.—Every Officer of Government whose duty it is, as such Officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety, or convenience.

Ninth.—Every Officer whose duty it is, as such Officer, to take, receive, keep, or expend any property on behalf of Government, or to make any survey, assessment,* or contract on behalf of Government, or to execute any revenue process, or to report on any matter affecting the pecuniary interests of Government, or to make, authenticate, or keep any document relating to the pecuniary interests of Government, or to prevent the infraction of any law for the protection of the pecuniary interests of Government, and every Officer in the service or pay of Government, or remunerated by fees or commission for the performance of any public duty.

Tenth.—Every Officer whose duty it is, as such Officer, to take, receive, keep, or expend any property, to make any survey or assessment, or to levy any rate or tax for any secular common purpose of any village, town, or district, or to make, authenticate, or keep any document for the ascertaining of the rights of the people of any village, town, or district.

Eleventh.†—*In ss.* 161—165, *P. C., public servant includes Railway servants, Act XXXI of* 1867.

Twelfth.—Every pound-keeper (Act I of 1871).

Thirteenth.—Every protector of emigrants and every medical inspector of emigrants (Act VII of 1871).

Fourteenth.—Every registering officer (Act VIII of 1871).

Illustration.

A Municipal Commissioner is a public servant.

Explanation 1.—Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

Explanation 2.—Wherever the words "public servant" occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

22. The words "moveable property" are intended to include corporeal property of every description, except land and things attached to the earth, or permanently fastened to anything which is attached to the earth.

23. "Wrongful gain" is gain by unlawful means of property to which the person gaining is not legally entitled.

* *E g.*, a punchayet under Act XX of 1856.

† So also pound-keeper (Act I of 1871, s. 6), protector and medical inspector of emigrants (VII of 1871, s. 14), and registering officers (VIII of 1871, s. 82).

"Wrongful loss" is loss by unlawful means of property to which the person losing it is legally entitled.

A person is said to gain wrongfully when such person retains wrongfully, as well as such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

24. Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person, is said to do that thing "dishonestly."

25. A person is said to do a thing "fraudulently" if he does that thing with intent to defraud, but not otherwise.

26. A person is said to have "reason to believe" a thing if he has sufficient cause to believe that thing, but not otherwise.

27. When property is in the possession of a person's wife, clerk, or servant, on account of that person, it is in that person's possession within the meaning of this Code.

Explanation.—A person employed temporarily or on a particular occasion in the capacity of a clerk or servant is within the meaning of this section.

28. A person is said to "counterfeit," who causes one thing to resemble another thing, intending by means of that resemblance to practice deception, or knowing it to be likely that deception will thereby be practised.

Explanation.—It is not essential to counterfeiting that the imitation should be exact.

29. The word "document" denotes any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, as evidence of that matter.

Explanation. 1.—It is immaterial by what means or upon what substance the letters, figures, or marks are formed, or whether the evidence is intended for, or may be used in, a Court of a Justice, or not.

Illustrations.

A writing expressing the terms of contract, which may be used as evidence of the contract, is a document.

A cheque upon a banker is a document.

A power-of-attorney is a document.

A map or plan which is intended to be used, or which may be used, as evidence, is a document.

A writing containing directions or instructions is a document.

Explanation 2.—Whatever is expressed by means of letters, figures, or marks, as explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures, or marks within the meaning of this section, although the same may not be actually expressed.

Illustration.

A writes his name on the back of a bill of exchange payable to his order. The meaning of the endorsement, as explained by mercantile usage, is that the Bill is to be paid to the holder. The endorsement is a document, and must be construed in the same manner as if the words "pay to the holder," or words to that effect, had been written over the signature.

30. The words "valuable security" denote a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished, or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right.

Illustration.

A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who may become the lawful holder of it, the endorsement is a "valuable security."

31. The words "a will" denote any testamentary document.

32. In every part of the Code, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

33. The word "act" denotes as well a series of acts as a single act: the word "omission" denotes as well a series of omissions as a single omission.

"34. When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone."

35. Whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention.

36. Whenever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.

Illustration.

A intentionally causes Z's death, partly by illegally omitting to give Z food and partly by beating Z. A has committed murder.

37. When an offence is committed by means of several acts, whoever intentionally co-operates in the commission of that offence by doing any one of those acts, either singly or jointly with any person, commits an offence.

Illustrations.

(*a.*) A and B agree to murder Z, by severally and at different times giving him small doses of poison. A and B administer the poison according to the agreement with intent to murder Z. Z dies from the effects of the several doses of poison as administered to him. Here A and B intentionally co-operate in the commission of murder, and as each of them does an act by which the death is caused, they are both guilty of the offence, though their acts are separate.

(*b.*) A and B are joint gaolers, and as such have the charge of Z, a prisoner, alternately for six hours at a time. A and B, intending to cause Z's death, knowingly co-operate in causing that effect by illegally omitting, each, during the time of his attendance, to furnish Z with the food supplied to them for that purpose. Z dies of hunger. Both A and B are guilty of the murder of Z.

(*c.*) A, a gaoler, has the charge of Z, a prisoner. A, intending to cause Z's death, illegally omits to supply Z with food; in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. A is dismissed from his office, and B succeeds him. B, without collusion or co-operation with A, illegally omits to supply Z with food, knowing that he is likely thereby to cause Z's death. Z dies of hunger. B is guilty of murder; but as A did not co-operate with B, A is guilty only of an attempt to commit murder.

38. Where several persons are engaged or concerned in the commission of a criminal act, they may be guilty of different offences by means of that act.

Illustration.

A attacks Z under such circumstances of grave provocation that this killing of Z would be only culpable homicide not amounting to murder. B having ill-will towards Z, and intending to kill him, and not having been subject to the provocation, assists A in killing Z. Here, though A and B are both engaged in causing Z's death, B is guilty of murder, and A is guilty only of culpable homicide.

39. A person is said to cause an effect "voluntarily" when he causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.

Illustration.

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery, and thus causes the death of a person. Here, A may not have intended to cause death, and may even be sorry that death has been caused by his act; yet, if he knew that he was likely to cause death, he has caused death voluntarily.

40. Except in the chapter and sections mentioned in clauses two and three of this section, the word 'offence' denotes a thing made punishable by this Code.

"In chapter IV and in the following sections, namely, sections 109, 110, 112, 114, 115, 116, 117, 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389, and 445, the word 'offence'* denotes a thing punishable under this Code, or under any special or local law as hereinafter defined:

And in ss. 141, 176, 177, 201, 202, 212, 216, and 441, the word 'offence' has the same meaning, when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine.

41. A "special law" is a law applicable to a particular subject.

42. A "local Law" is a law applicable only to a particular part of British India."

43. The word "illegal" is applicable to everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action; and a person is said to be "legally bound to do" whatever it is illegal in him to omit.

44. The word "injury" denotes any harm whatever illegally caused to any person, in body, mind, reputation, or property.

45. The word "life" denotes the life of a human being, unless the contrary appears from the context.

46. The word "death" denotes the death of a human being, unless the contrary appears from the context.

47. The word "animal" denotes any living creature, other than a human being.

48. The word "vessel" denotes any thing made for the conveyance by water of human beings, or of property.

49. Wherever the word "year" or the word "month" is used, it is to be understood that the year or the month is to be reckoned according to the British Calendar.

50. The word "section" denotes one of those portions of a Chapter of this Code which are distinguished by prefixed numeral figures.

51. The word "oath" includes solemn affirmation substituted by law for an oath, and any declaration required or authorized by law to be made before a public servant, or to be used for the purpose of proof, whether in a Court of Justice or not.

52. Nothing is said to be done or believed in "good faith" which is done or believed without due care and attention.

53. The punishments* to which offenders are liable under the provisions of this Code are—

First.—Death.

Secondly.—Transportation.

Thirdly.—Penal Servitude.

Fourthly.—Imprisonment, which is of two descriptions, namely—

(1.) Rigorous, that is, with hard labour;

(2.) Simple.

Fifthly.—Forfeiture of property.

Sixthly.—Fine.

[By Act VI, 1864, whipping.]

54. In every case in which sentence of death shall have been passed, the Government of India, or the Government of the place within which the offender shall have been sentenced, may, without the consent of the offender,† commute the punishment for any other punishment provided by this Code.

55. In every case in which sentence of transportation for life shall have been passed, the Government of India, or the Government of the place within which the offender shall have been sentenced, may, without the consent of the offender, commute† the punishment for imprisonment of either description for a term not exceeding fourteen years.

56. Whenever any person, being a European or American, is convicted of an offence punishable under this Code with transportation, the Court shall sentence the offender to penal servitude instead of transportation, according to the provisions of Act XXIV of 1855.

"Provided that, where an European or American offender would, but for such Act, be liable to be sentenced or ordered to be transported for a term exceeding ten years, but not for life, he shall be liable to be sentenced or ordered to be kept in penal servitude for such term exceeding six years as to the Court seems fit, but not for life."

57. In calculating fractions of terms of punishment, transportation for life shall be reckoned as equivalent to transportation for twenty years.

58. In every case in which a sentence of transportation is passed, the offender, until he is transported, shall be dealt with in the same manner as if sentenced to rigorous imprisonment, and shall be held to have been undergoing his sentence of transportation during the term of his imprisonment.

* See pp. 14, 15, &c. † See pp. 278, 279.

59. In every case in which an offender is punishable with imprisonment for a term of seven years or upwards, it shall be competent to the Court which sentences such offender, instead of awarding sentence of imprisonment, to sentence the offender to transportation for a term not less than seven years, and not exceeding the term for which by this Code such offender is liable to imprisonment.

60. In every case in which an offender is punishable with imprisonment which may be of either description, it shall be competent to the Court which sentences such offender to direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple, or that any part of such imprisonment shall be rigorous and the rest simple.

61. In every case in which a person is convicted of an offence for which he is liable to forfeiture of all his property, the offender shall be incapable of acquiring any property, except for the benefit of Government, until he shall have undergone the punishment awarded or the punishment to which it shall have been commuted, or until he shall have been pardoned.

Illustration.

A, being convicted of waging war against the Government of India, is liable to forfeiture of all his property. After the sentence, and whilst the same is in force, A's father dies, leaving an estate which, but for the forfeiture, would become the property of A. The estate becomes the property of Government.

62. Whenever any person is convicted of an offence punishable with death, the Court may adjudge that all his property, moveable and immoveable, shall be forfeited to Government; and whenever any person shall be convicted of any offence for which he shall be transported or sentenced to imprisonment for a term of seven years or upwards, the Court may adjudge that the rents and profits of all his moveable and immoveable estate during the period of his transportation or imprisonment shall be forfeited to Government, subject to such provision for his family and dependants as the Government may think fit to allow during such period.

63. Where no sum is expressed to which a fine* may extend, the amount of fine to which the offender is liable is unlimited, but shall not be excessive.

* The framers of the Code observe that fine is one of the most common punishments in every part of the world, and it is a punishment the advantages of which are so great and obvious, that we propose to authorise the Courts to inflict it in every case, except where forfeiture of all property is necessarily part of the punishment. Yet the punishment of fine is open to some objection. Death, imprisonment, transportation, banishment, solitude, compelled labour, are not, indeed, equally disagreeable to all men; but they are so disagreeable to all men that the legislature, in assigning those punishments to offences, may safely neglect the difference produced by temper and situation. With fine the case is different. In imposing a fine, it is always necessary to have as much regard to the pecuniary circumstances of the offender as to the character and magnitude of the offence. The mulct which is ruinous to a labourer is easily borne by a tradesman, and is absolutely unfelt by a rich zemindar.

"It is impossible to fix any limit to the amount of a fine which will not either be so high as to be ruinous to the poor, or so low as to be no object of terror to the rich. There are many millions in India who would be utterly unable to pay a fine of fifty rupees; there are hundreds of thousands from whom such a fine might be levied, but whom it would reduce to extreme distress; there are thousands to whom it would give very little uneasiness; there are hundreds to whom it would be a matter of perfect indifference, and who would not cross a room to avoid it. The number of the poor in every country exceeds in a very great ratio the number of the rich. The number of the poor criminals exceeds the number of rich criminals in a still greater ratio. And to the poor criminal it is a matter of absolute indifference whether the fine to which he is liable be limited or not, unless it be so limited as to render it quite inefficient as a mode of punishing the rich. To a man who has no capital, who has laid by nothing, whose monthly wages are just sufficient to provide himself and his family with their monthly rice, it matters not whether the fine for assault be left to be settled by the discretion of the Courts, or whether a hundred rupees be fixed as the maximum. There are no degrees in impossibility. He is no more able to pay a hundred rupees than to pay a lac. A just and wise Judge, even if entrusted with a boundless discretion, will not, under any circumstances, sentence such an offender to a fine of a hundred rupees. And the limit of a hundred rupees would leave it quite in the power of an unjust or inconsiderate Judge to inflict on such an offender all the evil which can be inflicted on him by means of fine."

64. In every case in which an offender is sentenced to a fine, it shall be competent to the Court which sentences such offender to direct by the sentence that in default of payment of the fine the offender shall suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of a sentence.

65. The term for which the Court directs the offender to be imprisoned in default of payment of a fine, shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence, if the offence be punishable with imprisonment as well as fine.

66. The imprisonment which the Court imposes in default of payment of a fine may be of any description to which the offender might have been sentenced for the offence.

67. If the offence be punishable with fine only, the term for which the Court directs the offender to be imprisoned, in default of payment of fine, shall not exceed the following scale, that is to say, for any term not exceeding two months, when the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four months, when the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case.

68. The imprisonment which is imposed in default of payment of a fine shall terminate whenever that fine is either paid or levied by process of law.

69. If, before expiration of the term of imprisonment fixed in default of payment, such a proportion of the fine be paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.

Illustration.

A is sentenced to a fine of one hundred Rupees and to four months' imprisonment in default of payment. Here, if seventy-five Rupees of the fine be paid or levied before the expiration of one month of the imprisonment, A will be discharged as soon as the first month has expired. If seventy-five Rupees be paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonment, A will be immediately discharged. If fifty Rupees of the fine be paid or levied before the expiration of two months of the imprisonment, A will be discharged as soon as the two months are completed. If fifty Rupees be paid or levied at the time at the expiration of those two months, or at any later time while A continues in imprisonment, A will be immediately discharged.

70. The fine, or any part thereof which remains unpaid, may be levied at any time within six years after the passing of the sentence, and if, under the sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his death.

71. Where anything which is an offence is made up of parts, any of which parts is itself an offence, the offender shall not be punished with the punishment of more than one of such his offences, unless it be so expressly provided.

Illustrations.

(*a.*) A gives Z fifty strokes with a stick. Here, A may have committed the offence of voluntarily causing hurt to Z by the whole beating, and also by each of the blows which make up the whole beating. If A were liable to punishment for every blow, he might be imprisoned for fifty years, one for each blow; but he is liable only to one punishment for the whole beating.

(*b.*) But if, while A is beating Z, Y interferes, and A intentionally strikes Y: here, as a blow given to Y is no part of the act, whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z, and to another for the blow given to Y.

72. In all cases in which judgment is given that a person is guilty of one of several offences specified in the judgment, but that it is doubtful* of which of these

* S. 455, p. 36.

offences he is guilty, the offender shall be punished for the offence for which the lowest punishment is provided, if the same punishment is not provided for all.

73. Whenever any person is convicted of an offence for which, under this Code, the Court has power to sentence him to rigorous imprisonment, the Court may, by its sentence, order that the offender shall be kept in solitary confinement,* for any portion or portions of the imprisonment to which he is sentenced, not exceeding three months in the whole, according to the following scale (that is to say):—

A time not exceeding one month if the term of imprisonment shall not exceed six months.

A time not exceeding two months if the term of imprisonment shall exceed six months and be less than a year.

A time not exceeding three months if the term of imprisonment shall exceed one year.

74. In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods, and when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

75. Whoever, having been convicted† of an offence punishable under Chapter XII‡ or Chapter XVII§ of this Code with imprisonment of either description for a term of three years or upwards, shall be guilty of any offence punishable under either of those Chapters with imprisonment of either description for a term of three years or upwards, shall be subject for every such subsequent offence to transportation for life, or to double the amount of punishment to which he would otherwise have been liable for the same; provided that he shall not in any case be liable to imprisonment for a term exceeding ten years.

76. Nothing is an offence which is done by a person who is, or who by reason of a mistake of fact, and not by reason of a mistake of law, in good faith believes himself to be bound by law to do it.

Illustrations.

(*a*.) A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. A has committed no offence.

(*b*.) A, an officer of a Court of Justice, being ordered by that Court to arrest Y, and, after due enquiry, believing Z to be Y, arrests Z. A has committed no offence.

77. Nothing is an offence which is done by a Judge‖ when acting judicially in the exercise of any power which is, or which in good faith he believes to be, given to him by law.

78. Nothing which is done in pursuance of, or which is warranted by the judgment or order of a Court of Justice,¶ if done whilst such judgment or order remains in force, is an offence, notwithstanding the Court may have had no jurisdiction to pass such judgment or order, provided the person doing the act in good faith believes that the Court had such jurisdiction.

79. Nothing is an offence which is done by any person who is justified by law, or who, by reason of a mistake of fact, and not by reason of a mistake of law, in good faith** believes himself to be justified by law in doing it.

Illustration.

A sees Z commit what appears to A to be a murder. A, in the exercise to the best of his judgment, exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the fact, seizes Z, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self-defence.

* p. 14.
† S. 315, p. 274.
‡ Ch. XII relates to coin and Government stamps.
§ XVII relates to offences against property.
‖ S. 19, p. 6.
¶ S. 20, p. 1044.
** S. 52, p. 1048.

80. Nothing is an offence which is done by accident or misfortune and without criminal intention or knowledge in the doing of a lawful act in a lawful manner, by lawful means and with proper care and caution.

Illustration.

A is at work with a hatchet; the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of A, his act is excusable and not an offence.

81. Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

Explanation.—It is a question of fact in such a case whether the harm to be prevented or avoided was of such a nature, and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

Illustrations.

(*a.*) A, the captain of a steam vessel, suddenly and without any fault or negligence on his part finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat B with 20 or 30 passengers on board, unless he changes the course of his vessel, and that by changing his course, he must incur risk of running down a boat C with only 2 passengers on board which he may possibly clear. Here, if A alters his course without any intention to run down the boat C, and in good faith for the purpose of avoiding the danger to the passengers in the boat B, he is not guilty of an offence, though he may run down the boat C by doing an act which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he intended to avoid was such as to excuse him in incurring the risk of running down the boat C.

(*b.*) A, in a great fire, pulls down houses in order to prevent the conflagration from spreading. He does this with the intention in good faith of saving human life or property. Here, if it be found that the harm to be prevented was of such a nature and so imminent as to excuse A's act, A is not guilty of the offence.

82. Nothing is an offence which is done by a child under seven years of age.

83. Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.

84. Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

85. Nothing is an offence which is done by a person who, at the time of doing it, is, by reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law; provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

86. In cases where an act done is not an offence, unless done with a particular knowledge or intent, a person who does the act in a state of intoxication, shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

87. Nothing which is not intended to cause death or grievous hurt, and which is not known by the doer to be likely to cause death or grievous hurt, is an offence by reason of any harm which it may cause or be intended by the doer to cause, to any person above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

Illustration.

A and Z agree to fence each other for amusement. This agreement implies the consent of each to suffer any harm which, in the course of such fencing, may be caused without foul play; and if A, while playing fairly, hurts Z, A commits no offence.

88. Nothing which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by

the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

Illustration.

A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under a painful complaint, but not intending to cause Z's death, and intending, in good faith, Z's benefit, performs that operation on Z, with Z's consent. A has committed no offence.

89. Nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to that person. Provided—

First.—That this exception shall not extend to the intentional causing of death, or to the attempting to cause death.

Secondly.—That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity.

Thirdly.—That this exception shall not extend to the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity.

Fourthly.—That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustration.

A, in good faith, for his child's benefit, without his child's consent, has his child cut for the stone by a surgeon, knowing it to be likely that the operation will cause the child's death, but not intending to cause the child's death. A is within the exception, inasmuch as his object was the cure of the child.

90. A consent is not such a consent as is intended by any section of this Code, if the consent is given by a person under fear of injury or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception; or

If the consent is given by a person who, from unsoundness of mind or intoxication, is unable to understand the nature and consequence of that to which he gives his consent; or, unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age.

91. The exceptions in Sections 87, 88, and 89 do not extend to acts which are offences independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

Illustration.

Causing miscarriage (unless caused in good faith for the purpose of saving the life of the woman) is an offence independently of any harm which it may cause or be intended to cause to the woman. Therefore it is not an offence "by reason of such harm;" and the consent of the woman or of her guardian to the causing of such miscarriage does not justify the act.

92. Nothing is an offence by reason of any harm which it may cause to a person, for whose benefit it is done in good faith, even without that person's consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent, in time for the thing to be done with benefit. Provided—

First.—That this exception shall not extend to the intentional causing of death, or the attempting to cause death.

Secondly.—That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity.

Thirdly.—That this exception shall not extend to the voluntary causing of hurt, or to the attempting to cause hurt, for any purpose other than the preventing of death or hurt.

Fourthly.—That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustrations.

(*a.*) Z is thrown from his horse, and is insensible. A, a surgeon, finds that Z requires to be trepanned. A, not intending Z's death, but in good faith, for Z's benefit, performs the trepan before Z recovers his power of judging for himself. A has committed no offence.

(*b.*) Z is carried off by a tiger. A fires at the tiger, knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith intending Z's benefit. A's ball gives Z a mortal wound. A has committed no offence.

(*c.*) A, a surgeon, sees a child suffer an accident, which is likely to prove fatal unless an operation be immediately performed. There is not time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.

(*d.*) A is in a house which is on fire, with Z, a child. People below hold out a blanket. A drops the child from the house-top, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending, in good faith, the child's benefit. Here, even if the child is killed by the fall, A has committed no offence.

Explanation.—Mere pecuniary benefit is not benefit within the meaning of Sections 88, 89, and 92.

93. No communication made in good faith is an offence by reason of any harm to the person to whom it is made for the benefit of that person.

Illustration.

A, a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. A has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

94. Except murder and offences against the State punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence; provided the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

Explanation 1.—A person who, on his own accord, or by reason of a threat of being beaten, joins a gang of dacoits knowing their character, is not entitled to the benefit of this exception, on the ground of his having been compelled by his associates to do anything that is an offence by law.

Explanation 2.—A person seized by a gang of dacoits, and forced, by threat of instant death, to do a thing which is an offence by law; for example, a smith compelled to take his tools and to force the door of a house for the dacoits to enter and plunder it, is entitled to the benefit of this exception.

95. Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

OF THE RIGHT OF PRIVATE DEFENCE.

96. Nothing is an offence which is done in the exercise of the right of private defence.

97. Every person has a right, subject to the restrictions contained in Section 99, to defend—

First.—His own body, and the body of any other person, against any offence affecting the human body.

Secondly.—The property, whether moveable or immoveable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief, or criminal trespass.

98. When an act, which would otherwise be a certain offence is not that offence, by reason of the youth, the want of maturity of understanding, the unsoundness of mind, or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

Illustrations.

(*a.*) Z, under the influence of madness, attempts to kill A. Z is guilty of no offence. But A has the same right of private defence which he would have if Z were sane.

(*b.*) A enters by night a house which he is legally entitled to enter. Z in good faith, taking A for a house-breaker, attacks A. Here Z, by attacking A under this misconception, commits no offence. But A has the same right of private defence against Z which he would have if Z were not acting under that misconception.

99. *First.*—There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by a public servant acting in good faith under color of his office, though that act may not be strictly justifiable by law.

Second.—There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law.

Third.—There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.

Fourth.—The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

Explanation 1.—A person is not deprived of the right of private defence against an act done, or attempted to be done, by a public servant as such, unless he knows, or has reason to believe, that the person doing the act is such public servant.

Explanation 2.—A person is not deprived of the right of private defence against an act done, or attempted to be done, by the direction of a public servant, unless he knows or has reason to believe that the person doing the act is acting by such direction, or unless such person states the authority under which he acts, or if he has authority in writing, unless he produces such authority if demanded.

100. The right of private defence of the body extends, under the restrictions mentioned in the last preceding section, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely—

First.—Such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault.

Secondly.—Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault.

Thirdly.—An assault with the intention of committing rape.

Fourthly.—An assault with the intention of gratifying unnatural lust.

Fifthly.—An assault with intention of kidnapping or abducting.

Sixthly.—An assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

101. If the offence be not of any of the descriptions enumerated in the last preceding section, the right of private defence of the body does not extend to the

voluntary causing of death to the assailant, but does extend, under the restrictions mentioned in Section 99, to the voluntary causing to the assailant of any harm other than death.

102. The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence, though the offence may not have been committed; and it continues as long as such apprehension of danger to the body continues.

103. The right of private defence of property extends, under the restrictions mentioned in Section 99, to the voluntary causing of death or of any other harm to the wrong-doer, if the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right, be an offence of any of the descriptions hereinafter enumerated, namely—

First.—Robbery.

Secondly.—House-breaking by night.

Thirdly.—Mischief by fire committed on any building, tent, or vessel, which building, tent, or vessel is used as a human dwelling, or as a place for the custody of property.

Fourthly.—Theft, mischief, or house-trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

104. If the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right of private defence, be theft, mischief, or criminal trespass, not of any of the descriptions enumerated in the last preceding section, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions mentioned in Section 99, to the voluntary causing to the wrong-doer any harm other than death.

105. *First.*—The right of private defence of property commences when a reasonable apprehension of danger to the property commences.

Second.—The right of private defence of property against theft continues till the offender has effected his retreat with the property, or the assistance of the public authorities is obtained, or the property has been recovered.

Third.—The right of private defence of property against robbery continues as long as the offender causes, or attempts to cause, to any person death, or hurt, or wrongful restraint, or as long as the fear of instant death, or of instant hurt, or of instant personal restraint, continues.

Fourth.—The right of private defence of property against criminal trespass or mischief continues as long as the offender continues in the commission of criminal trespass or mischief.

Fifth.—The right of private defence of property against house-breaking by night continues as long as the house-trespass which has been begun by such house-breaking continues.

106. If, in the exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

Illustration.

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his right of private defence without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. A commits no offence if by so firing he harms any of the children.

(For the remainder of the Code, see pp. 435—616.)

PERJURY.

The words of Section 191 of the Penal Code are very general, and do not contain any limitation that the false statement made shall have any bearing upon the

matter in issue. It is sufficient to bring a case within that section if the false evidence is intentionally given, that is to say, if the person making the statement makes it advisedly knowing it to be false and with the intention of deceiving the Court and of leading it to be supposed that that which he states is true.

The object of the sanction required by Section 169, Code of Criminal Procedure, is to ensure that the prosecution should be instituted after due consideration on the part of the Court before whom the false evidence was given or on the part of a Court to which such Court is subordinate.

Where a Magistrate perused the paper of a case which had been forwarded to him by a Subordinate Magistrate for consideration, and then sent on the papers to the District Superintendent of Police with an opinion adverse to the prisoner, and the District Superintendent of Police requested the Magistrate to issue a warrant against the prisoner charging him with giving false evidence, it was held that the issue of the warrant was a sufficient sanction under Section 169 on the part of the Magistrate—*S. W. R., C. R., XVI.*, 37.

PLEADERS' AND MOOKHTARS' ACT.

ACT XX OF 1865.

I. This Act may be cited as "The Pleaders', Mookhtars', and Revenue Agents Act, 1865."

II. In this Act, unless there be something repugnant or inconsistent in the subject or context—

Words importing the singular number include the plural, and words importing the plural number include the singular.

"Section" means a section of this Act.

"Person" includes any Company or Association or body of persons, whether incorporated or not.

"Pleader" includes Vakeel.

"Magistrate"* includes officers exercising any of the powers of a Magistrate.

"Judge" means the presiding Judicial officer in every Civil and Sessions Court by whatever title he is designated.

"Court" means all Courts subordinate to the High Court, including Courts of Small Causes.

"District" means the local jurisdiction of the principal Civil Court of original jurisdiction; and "District Court" means such Court, and includes Sessions Courts, and for the purposes of this Act, the Courts of a Commissioner and Deputy Commissioner or any other Court in the territories known as Non-Regulation, exercising like powers as those of a Commissioner and Deputy Commissioner or of a Civil and Sessions Judge.

And in any part of British India in which this Act operates, "Local Government" denotes the person authorized to administer the executive Government in such part; "High Court" denotes the highest Civil Court of Appeal.

V. Except as hereinafter provided, no person shall appear, plead or act as a pleader, or appear or act as a mookhtar in any Court to which this Act extends, unless he shall have been admitted and enrolled and shall be otherwise duly qualified to practise as a pleader or as a mookhtar, as the case may be, pursuant to the provisions of this Act, and unless he shall continue to be so qualified and enrolled at the time of his practising as a pleader or mookhtar as aforesaid. Provided that every person who at the time at which this Act shall come into operation in any part of British India shall be, or shall be qualified to act as, a pleader in any Court in such part, by virtue of any law, rule or order in force therein, shall be entitled to be

* S. 21 *n*, pp. 20, &c.

admitted and enrolled as a pleader in the High Court pursuant to the provisions of this Act, without passing any examination, but subject to the conditions of any certificate or diploma held by him as to the class of Courts in which such certificate or diploma authorizes him to practise.

VII. The High Court shall cause the name of every person who shall be admitted a pleader or a mookhtar pursuant to the provisions of this Act, to be enrolled in books to be provided and kept for that purpose in such Court. The Courts shall take judicial notice whether a pleader or mookhtar is enrolled or not.

VIII. The High Court shall cause certificates, signed by such officer as the Court shall appoint, to be issued to persons who have been admitted and enrolled under the provisions of this Act as pleaders or mookhtars, and are entitled to practise as such. Any such certificate, when renewed as provided in the ninth Section, may be issued and signed by the officer so appointed, or by the Judge of the District Court within the limits of whose jurisdiction the holder of the certificate shall then ordinarily practise. Every Judge so renewing a certificate shall notify such renewal to the High Court.

IX. Every certificate, whether original or renewed, shall be engrossed upon stamp paper to be supplied by the person entitled to the certificate, and shall be in the form contained in the second Schedule to this Act, and shall authorize the holder to practise for the period of one year from the date of the certificate.

XI. Pleaders duly admitted and enrolled under this Act may appear, plead, and act* in any Criminal Court. Mookhtars duly admitted and enrolled as aforesaid may, subject to the conditions of their certificates as to the class of Courts in which they are authorized to practise, appear, plead and act in any Criminal Court.

XII. Every person who shall have been admitted to practise as a pleader or mookhtar under the provisions hereinbefore contained, may, subject to the conditions of his certificate as to the class of Courts in which he is authorized to practise, apply to be enrolled in the Court in which he shall desire ordinarily to practise; and on such application he shall be enrolled in a book to be kept for that purpose in such Court. Provided that neither this section nor the last preceding section shall apply to any Court established by Royal Charter.

XIII. Except as hereinafter provided, any person who shall practise as a pleader or mookhtar in any Criminal Court to which this Act extends, without having previously obtained a properly stamped certificate authorising him so to practise, which certificate shall be then in force, shall be liable by order of such Court or the officer at the head of such office to a fine not exceeding ten times the amount of the stamp required by this Act to be impressed on the certificate which he should then have held, and, in default of payment, to imprisonment in the civil gaol for a period not exceeding six calendar months. He shall also be incapable of maintaining any suit for any fee or reward for or in respect of anything done or any disbursement made by him as such pleader or mookhtar whilst he shall have been without such certificate.

XVI. If any pleader or mookhtar, practising in any Court subordinate to the High Court, shall be charged in such subordinate Court with any such conduct as aforesaid, the Judge or Magistrate of the Court, as the case may be, shall send him a copy of the charge and also a notice that, on a day to be therein appointed, such charge will be taken into consideration. Such copy and notice shall be served upon the pleader or mookhtar at least ten days before the day so appointed; and on such day, or on any subsequent day to which the enquiry may be adjourned, the Court shall receive all evidence properly tendered by or on behalf of the party bringing the charge, or by the pleader or mookhtar, and shall proceed to adjudicate on the charge. If the Judge or Magistrate shall find the charge established, and consider that the pleader or mookhtar should be suspended or dismissed in consequence, he shall record his finding and the grounds thereof, and shall report the same to the High Court, and the High Court shall proceed to acquit, suspend, or dismiss the pleader

* S. 180, p. 158, pp. 43, &c.

of mookhtar. Such report, when made by any officer other than the District Judge, shall be submitted to the High Court through the District Judge, who shall accompany the report with any remarks that he may think necessary, and an expression of his own opinion on the case. Such report, when made by a Magistrate subordinate to the Magistrate of the District, shall be submitted through the Magistrate of the District to the District Judge, and shall be accompanied by the remarks and opinion of the Magistrate of the District as aforesaid. The Judge or Magistrate may, pending the investigation and the orders of the High Court, suspend the pleader or mookhtar from practising as such in his Court.

XVII. The High Court, in any case in which a pleader or mookhtar shall have been acquitted under the last preceding section otherwise than by an order of the High Court, may call for the record and pass such order thereon as shall seem fit.

XXXIX. Parties employing pleaders or mookhtars in any Court or office shall be at liberty to settle with them by private agreement the remuneration to be paid for their professional services, and it shall not be necessary to specify such agreement in the power under which such pleaders or mookhtars for the time being act. Such agreements shall not be enforced otherwise than by regular suit.

XL. And in all Criminal Courts, any person defending a case may (with the permission of the presiding Judge or Magistrate)* employ any other person, though not a pleader or mookhtar duly qualified under the provisions of this Act, to assist him in such defence. But no suitor nor person so appearing, pleading, acting or assisting, shall be entitled to recover any fee or reward therefor.

XLII. Every order for imposing a fine which shall be passed under this Act, shall be subject to revision by the High Court if the order shall have been passed by a Court subordinate to the High Court, or by the Board of Revenue if the order shall have been passed by an officer subordinate to such Board.

XLIV. With the exception of Section Thirty-nine, this Act shall not apply to advocates, vakeels and attorneys-at-law, admitted and enrolled by any High Court under the Letters Patent by which such Court is constituted, nor to mookhtars practising in such Court: provided that the High Court shall have power to make rules for the qualification, admission, enrolment, suspension, and dismissal of the mookhtars practising on the appellate side of such Court, and to prescribe penalties for persons practising contrary to such rules or any of them, and from time to time to vary such rules and penalties.

XLV. Every person now or hereafter enrolled as an advocate or vakeel on the Roll of any High Court under the Letters Patent constituting such Court shall, notwithstanding anything hereinbefore contained, be entitled as such to practise in any Court in British India other than a High Court on whose roll he is not enrolled, or in any such Court with the permission of the Court, subject nevertheless to the rules in force relating to the language in which the Court or office is to be addressed by pleaders. Provided that no such vakeel shall be entitled to practise under this section before a Judge of the High Court, Divisional Court or High Court exercising original jurisdiction.

XLVI. Every person now or hereafter enrolled as an attorney on the roll of any High Court shall, notwithstanding anything hereinbefore contained, be entitled as such to practise in any Court of British India other than a High Court established by Royal Charter.

PLEADERS', MOOKHTARS', AND REVENUE AGENTS' ACT.

ACT IX OF 1866.

I. Notwithstanding any thing contained in "The Pleaders', Mookhtars', and Revenue Agents' Act, 1865," the said Sudder Court shall have power to make rules

* S. 186, p. 153.

for the qualification, admission, and enrolment of proper persons to be pleaders and mookhtars of such Court, for the fees to be paid for the examination, admission, and enrolment of such persons, and subject to the provisions contained in the same Act, for the suspension and dismissal of the pleaders so admitted and enrolled. The said Court may also from time to time vary and add to such rules.

II. The provisions contained in Sections 5 to 12 (both inclusive), 14, 15, 18, 37, 39, and 41 of "The Pleaders', Mookhtars', and Revenue Agents' Act, 1865," and in Sections 1 and 2 of Act No. XXIX of 1865, shall, *mutatis mutandis*, apply to pleaders and mookhtars practising in the said Sudder Court.

III. This Act shall be read with and taken as part of "The Pleaders', Mookhtars', and Revenue Agents' Act, 1865."

POISONING.

INSTRUCTIONS FOR THE GUIDANCE OF POLICE OFFICERS IN THE N. W. P.

7. On any Police officer in charge of a station receiving information of a case of theft or attempt at theft by poisoning, he will immediately, with as many constables, foot and mounted, as can be spared, proceed to the spot, leaving direction to the writer of the station to submit by express sowar a report of the same, with as much detail as he can collect, to the District Superintendent; and he will at the same time send information by *rooqua* to every neighbouring station, whether of his own or the neighbouring district. On reaching the scene of the occurrence, he will obtain every particular that is possible, by questioning the victim and the people of the neighbourhood, and ascertaining the direction in which the offenders departed or are likely to have gone; send off mounted and foot constables in pursuit, especially remembering to cause a watch to be placed at all ghats, canals, and railway bridges, salt chowkies, &c., in the direction the offender is supposed to have taken, with instructions to stop and question all persons obnoxious to suspicion, and to detain and search all such who cannot give a satisfactory account of themselves. This action will be followed up by submission and circulation of carefully-written descriptive rolls of the offenders, as soon as such can be obtained; and the victims, if in danger of death, should be at once conveyed for treatment to the sudder station. The officer conducting the inquiry will be careful to submit his special* diary daily, or even oftener, should any special clue be obtained likely to lead to the apprehension of the offender, and which he himself is unable to follow up. All Police officers in pursuit of offenders are particularly reminded to follow up such pursuit beyond the bounds of their own station, until an equally responsible officer is at hand to take it up. Inquiry and pursuit are not to stop at the boundary of a station.

8. Police officers in charge of neighbouring stations, and of stations in other districts, on receiving intimation of a case of poisoning, are to be immediately on the alert, and to be more careful than usual in scrutinizing travellers on roads and in seraies, to stop all persons open to suspicion, and to detain and search all those who cannot satisfactorily account for themselves, or for the object of their journey. They will also at once send information to all outposts of their station, with orders to watch ghats, canals, and railway bridges, salt chowkies, &c. On gaining any clue to the offender, they will at once intimate the same to the officer in charge of the station whence the report was received, and also report to the Superintendent of their own district.

9. A District Superintendent, on receiving a report of a poisoning case, will at once inform and consult the Magistrate of the District, and send his most intelligent Inspector to the scene of the occurrence, to conduct the inquiry. In special cases,

* See App., "Special Diary."

should there be any immediate object in doing so, the District Superintendent will himself proceed to the spot; but this is not always necessary, nor is it desirable in every case. The District Superintendent will at once send intimation of the occurrence to all neighbouring districts by telegraph, express sowar, and by post. He is not to wait for detailed information, but is directed at once to intimate the fact, with all details as far as they are known; and afterwards, when he has gained more details, and the description rolls of the offenders, he will again communicate to all neighbouring districts by telegraph and post, and distribute descriptive rolls to all Inspectors and officers in charge of stations. Information cannot be circulated too frequently or too rapidly. The District Superintendent will also, by the same day's post, send his special report to the Commissioner, and a copy to the office of the Inspector-General, giving as many details as he can collect, and stating the measures adopted to trace the offenders. This first report will be followed up in two or three days by another special report, as soon as more details and the descriptive rolls have been collected; and a copy will be again sent to the Deputy Inspector-General stating in detail all the facts discovered, and what proceedings have been adopted. These special reports will then be followed up in every case by weekly reports to the Deputy Inspector-General only, stating the progress of the case, until such time as the Deputy Inspector-General shall expressly order its discontinuance. The particular attention of District Superintendents is especially directed to drawing up these reports. They should be written by the District Superintendent himself, and not left to the Assistant or to the Head-quarters Inspector to fill up; and each report should be as full and detailed as possible, both as to facts, hour, dates, and measures adopted, so as to enable the Deputy Inspector-General to understand the case, and to assist the Superintendent with his more extended information and experience. At the close of the inquiry, a full report will be made to the Deputy Inspector-General, showing result of final inquiry and prosecution, and the sentence passed on each offender arrested. This report must never be omitted.

10. On a District Superintendent receiving information of a poisoning case from a neighbouring district by telegraph, or post, or express sowar, or by the *Police Gazette*, he will at once circulate the information to all officers in charge of stations, and put his Inspectors on the *qui vive*, giving to each man a copy of the descriptive roll.

13. Officers in charge of stations and District Superintendents in all cases of professional or gang dacoity will prepare and keep in their offices a register of all poisoning cases in an appropriate and useful form, for ready reference. This register should be made up of all past cases; and every new case will be added as it occurs, and a note made of the result of inquiry and prosecution in each case. In addition to this should be made out a nominal roll of all known and suspected poisoners—their caste, residence, parentage, description of person, cases in which concerned, and the latest information concerning them obtainable. Good forms for these registers will be found in appendices of Colonel Sleeman's *Report on the Bagree Dacoits*.

14. Doubt, or difference of opinion, appears to exist in the minds of some District Superintendents as to what constitutes professional or gang dacoity. The Inspector-General therefore is pleased to lay down the rule that a special report of every dacoity shall be sent to the Commissioner, and a copy of the same to the head-quarters office; and it will remain for the Deputy Inspector-General to decide whether it is a professional or gang dacoity, or not, and intimation of his decision will be at once sent to the District Superintendent. The Inspector-General would remark that it is not only dacoities committed by hereditary professional dacoits—such as Bhuduks, Meenahs, and the like—which should be considered as professional dacoities. Dacoities in the present day are more often committed by men of different castes and professions, often living in villages far apart from each other, who collect together periodically or when opportunity offers, and commit dacoity generally at night, with the usual accompaniments of lighted torches, firearms, and swords. These are nevertheless professional dacoities; should be registered as such, and every available means adopted to hunt the offenders. In Goruckpore especially is the attention of the District Superintendent directed to these cases. In every dacoity case an Inspector should be at once deputed

to take up the inquiry; and as often as possible the District Superintendent himself, or one of his Assistants, should proceed to the spot. The utmost vigilance is required to compel the zemindars and chowkeedars to give the earliest information and every assistance in following up the offenders. Without the cordial aid of the landholders, we are almost helpless; and every occasion of neglect on their part should be promptly brought to the notice of the Magistrate for his orders. Men of special detective ability should be selected from the force to follow up the clue in these cases and trace out the several members of the gang; and money should be freely spent in order to get information. The Inspector-General will be only too glad to pass bills for such sums, drawn by the District Superintendent, with the countersignature of the Magistrate in any important case; but he will hold the District Superintendent responsible that the money is well and judiciously laid out, and not wasted. The District Superintendent will also be particularly careful in these dacoity cases to send off the special report on the same day he receives the information, and to follow it up with a copy to the Deputy Inspector-General in two or three days, with all the details of facts and procedure he can collect, and the subsequent similar weekly reports, until counter-ordered by Deputy Inspector-General. He will also be careful at the conclusion of the inquiry to report the result of prosecution and convictions.

15. In conclusion, the Inspector-General begs to explain that copies of special reports are to be sent to the Deputy Inspector-General only in cases of thuggee, poisoning, dacoity, and other professional crimes of more than a local nature. They should be sent also in all suttee and mail-robbery cases, and the more important cases of highway robbery. Such cases only will be included in the diary of Deputy Inspector-General, furnished weekly to the Inspector-General. Copies of special report of murder, culpable homicide, and large thefts, &c., are not to be sent to the Deputy Inspector-General unless the conduct of the Police is so seriously aspersed as to call for the special orders of the Inspector-General.

POLICE.

ACT V OF 1861.

An Act for the regulation of Police.

WHEREAS it is expedient to re-organize the Police and to make it a more efficient instrument for the prevention and detection of crime; It is enacted as follows:—

I. The following words and expressions in this Act shall have the meaning assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:—

The words "Magistrate of the District" shall mean the chief officer charged with the executive administration of a district and exercising the powers of a Magistrate, by whatever designation the chief officer charged with such executive administration is styled.

The word "Magistrate" shall include all persons within the general Police district, exercising all* or any of the powers of a Magistrate.

The word "Police" shall include all persons who shall be enrolled under this Act.

The words "general Police district" shall embrace any presidency, province, or place, or any part of any presidency, province, or place in which this Act shall be ordered to take effect.

The word "property" shall include any moveable property, money, or valuable security.

* Ss. 21, &c., pp. 20, &c.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

The word "person" shall include a company or corporation.

The word "month "shall mean a calendar month.

The word "cattle" shall, besides horned cattle, include elephants, camels, horses, asses, mules, sheep, goats, and swine.

II. The entire Police establishment under a Local Government shall, for the purposes of this Act, be deemed to be one Police force, and shall be formally enrolled; and shall consist of such number of officers and men, and shall be constituted in such manner, and the members of such force shall receive such pay, as shall from time to time be ordered by the Local Government, subject to the sanction of the Governor-General of India in Council.

This section repealed as far as Lower Bengal is concerned.

III. The superintendence of the Police throughout a general Police district shall vest in, and, subject to the general control of the Governor-General of India in Council, shall be exercised by the Local Government to which such district is subordinate, and, except as authorized under the provisions of this Act, no person, officer, or Court shall be empowered by the Local Government to appoint, supersede, or control any Police functionary.

IV. The administration of the Police throughout a general Police district shall be vested in an officer to be styled the Inspector-General of Police, and in such Deputy Inspectors-General and Assistant Inspectors-General, as to the Local Government shall seem fit. The administration of the Police throughout the local jurisdiction of the Magistrate of the district, shall, under the general control and direction of such Magistrate, be vested in a District Superintendent, and such Assistant District Superintendents, as the Local Government shall consider necessary. The Inspector-General and other officers above mentioned shall from time to time be appointed by the Local Government, and may be removed by the same authority.

V. The Inspector-General of Police shall have the full powers of a Magistrate throughout the general Police district; but shall exercise those powers subject to such limitation as may from time to time be imposed by the Local Government.

VI. The Local Government may vest any Deputy Inspector-General, Assistant Inspector-General, District Superintendent, or Assistant District Superintendent of Police, with all or any of the powers of a Magistrate within such limits as it may deem proper; but such officers respectively shall exercise the powers with which they shall be so invested, only so far as may be necessary for the preservation of the peace, the prevention of crime, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate, and, so far as may be necessary, for the performance of the duties assigned to them by this Act.

VII. The appointment of all Police officers other than those mentioned in Section IV of this Act shall, under such rules as the Local Government shall, from time to time, sanction, rest with the Inspector-General, Deputy Inspectors-General, Assistant Inspectors-General, and District Superintendents of Police, who may, under such rules as aforesaid, at any time, dismiss, suspend, or reduce any Police officer whom they shall think remiss or negligent in the discharge of his duty, or unfit for the same, or fine any Police officer to any amount not exceeding one month's pay, who shall discharge his duty in a careless or negligent manner, or who by any act of his own shall render himself unfit for the discharge thereof.

VIII. Every Police officer so appointed, shall receive on his appointment a certificate in the form annexed to this Act, under the seal of the Inspector-General, or such other officer as the Inspector-General shall appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions, and privileges of a Police officer. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment, in the Police force, and shall be immediately surrendered to the superior officer of such person, or to some other officer empowered to receive the same.

IX. No Police officer shall be at liberty to withdraw himself from the duties of his office unless expressly allowed to do so by the District Superintendent, or by some other officer authorized to grant such permission, or without the leave of the District Superintendent, to resign his office unless he shall have given to his superior officer notice in writing, for a period of not less than two months, of his intention to resign.

X. No Police officer shall engage in any employment or office whatever other than his duties under this Act, unless expressly permitted to do so in writing by the Inspector-General.

XII. The Inspector-General of Police may, from time to time, subject to the approval of the Local Government, frame such orders and rules as he shall deem expedient, relative to the organization, classification, and distribution of the Police force, the places at which the members of the force shall reside, and the particular services to be performed by them; their inspection, the description of arms, accoutrement, and other necessaries to be furnished to them; the collecting and communicating by them of intelligence and information; and all such other orders and rules relative to the Police force as the Inspector-General shall, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering such force efficient in the discharge of its duties. See App., *Special Report*, pp. 1086 &c., and *Special Diaries*.

XIII. It shall be lawful for the Inspector General of Police, or any Deputy Inspector-General, or Assistant Inspector-General, or for the District Superintendent, subject to the general direction of the Magistrate of the district, on the application of any person showing the necessity thereof, to depute any additional number of Police officers to keep the peace at any place within the general Police district, and for such time as shall be deemed proper. Such force shall be exclusively under the orders of the District Superintendent, and shall be at the charge of the person making the application. Provided that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector-General, Deputy Inspector-General, or Assistant Inspector-General, or to the District Superintendent, to require that the Police officers so deputed shall be withdrawn; and such person shall be relieved from the charge of such additional force from the expiration of such notice.

These extra guards can only be granted on the sanction of the Magistrate of the district. Generally, the Superintendent may be allowed freedom to grant additional protection on the occasion of marriages, processions, and such like. But in cases of disputes about rights to land and water, care must be taken that under color of such assistance undue weight may not be given to the pretensions of either side—*I. G., W. P.*, 15, 1865.

A Magistrate has no power *suo motu* to levy the cost of an extra constable from an individual who he considers ought to pay for the same; he can only proceed under Section 15 or on an application as provided herein—*Rohim Kant Ghose*, 1 *W. R., C. R.*, 15.

XIV. Whenever any railway, canal, or other public work, or manufactory or commercial concern, shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector-General that the employment of an additional Police force in such place is rendered necessary by the behaviour, or reasonable apprehension of the behaviour of the persons employed upon such work, manufactory or concern, it shall be lawful for the Inspector-General, with the consent of the Local Government, to depute such additional force to such place, and to employ the same so long as such necessity shall continue, and to make orders from time to time upon the person having the control or custody of the funds used in carrying on such work, manufactory, or concern, for the payment of the extra force so rendered necessary, and such person shall thereupon cause payment to be made accordingly.

XV. It shall be lawful for the Inspector-General of Police, with the sanction of the Local Government, to be notified by proclamation in the *Government Gazette* and in such other manner as the Local Government shall direct, to employ any Police force in excess of the ordinary fixed complement to be quartered in any part of the general Police district which shall be found to be in a disturbed or dangerous state, or in any part of the general Police district in which, from the conduct of the

inhabitants, he may deem it expedient to increase the number of Police. The inhabitants of the part of the country described in the notification shall be charged with the cost of such additional Police force, and the Magistrate of the district after enquiry, if necessary, shall assess the proportion in which the amount is to be paid by the inhabitants according to his judgment of their respective means.

No appeal will lie against the rating of the Magistrate under this section—*Govt., W. P.*, 141*A*, 1868. In submitting applications under this section through the Commissioner's office for additional Police, the Magistrate forwarding the application should send therewith a statement showing the out-turn, the jumma, and the condition of each village to be assessed, with such other remarks of a general nature as shall enable the Commissioner as revising officer (*see* Note, Section 4) to judge of the ability of the village to bear the assessment for extra Police, without material injury to its agricultural prosperity, and without endangering the land revenue—*Rohim Kant Ghose*, 1 *W. R., C. R.*, 15.

For Police quartered on villages suspected of infanticide, see p. 934.

XVI. All moneys payable under the last three preceding sections, on account of any additional Police force employed as therein directed, shall be recoverable under the warrant of a Magistrate by distress and sale of the goods of the defaulter within the district of such Magistrate, or by suit in any competent Court; and the moneys paid on this account or so recovered shall be credited to a fund to be called "The General Police Fund," and shall be applied to the maintenance of the Police force under such orders as the Local Government shall pass.

XVII. When it shall appear that any unlawful assembly, or riot, or disturbance of the peace has taken place, or may be reasonably apprehended, and that the Police force ordinarily employed for preserving the peace is not sufficient for its preservation, and for the protection of the inhabitants, and the security of property in the place where such unlawful assembly, or riot, or disturbance of the peace has occurred, or is apprehended, it shall be lawful for any Police officer, not below the rank of Inspector, to apply to the nearest Magistrate to appoint so many of the residents of the neighbourhood as such Police officer may require, to act as special Police officers for such time and within such limits as he shall deem necessary; and the Magistrate to whom such application is made shall, unless he see cause to the contrary, comply with the application.

XVIII. Every special Police officer so appointed shall have the same powers, privileges, and protection, and shall be liable to perform the same duties, and shall be amenable to the same penalties, and be subordinate to the same authorities as the ordinary officers of Police.

XX. Police officers, enrolled under this Act, shall not exercise any authority, except the authority provided for a Police officer under this Act and any Act which shall hereafter be passed for regulating criminal procedure.

XXI. Nothing in this Act shall affect hereditary or other village Police officers, unless such officer shall be enrolled as a Police officer under this Act. When so enrolled, such officer shall be bound by the provisions of the last preceding section. No hereditary or other village Police officer shall be enrolled without his consent and the consent of those who have the right of nomination. If any Police officer appointed under Act XX of 1856 (*to make better provision for the appointment and maintenance of Police chowkeedars in cities, towns, stations, suburbs, and bazars in the presidency of Fort William in Bengal*) is employed out of the district for which he shall have been appointed under that Act, he shall not be paid out of the rates levied under the said Act for that district.

XXII. Every Police officer shall, for all purposes in this Act contained, be considered to be always on duty, and may at any time be employed as a Police officer in any part of the general Police district.

XXIII. It shall be the duty of every Police officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority; to collect and communicate intelligence affecting the public peace; to prevent the commission of offences and public nuisances; to detect and bring offenders to justice; and to apprehend all persons whom he is legally authorized

to apprehend, and for whose apprehension sufficient ground exists: and it shall be lawful for every Police officer, for any of the purposes mentioned in this section, without a warrant, to enter and inspect any drinking shop, gaming-house,* or other place of resort of loose and disorderly characters.

The general duties of the Police are detailed in Sections 23, 25, 30, and 31, and they are not to be employed on any other duty unless expressly permitted to do so in writing by the Inspector-General as laid down in Section 10—*G. Res., W. P., para.* 53, 1861.

The duty of "collecting and communicating intelligence" is one that few native Police officers can appreciate in its whole extent. It must, however, be obvious to most that a familiar acquaintance with all the events occurring within his division or his beat, may frequently enable an intelligent Police officer to determine the origin, to trace the progress, and put his finger upon the perpetrators of a particular crime. European officers, who are all more or less acquainted with the system of Police in England, will readily recognise the truth of what has been above stated; but it is not to be doubted that before natives can be made to appreciate fully the usefulness of general observation, and to connect the results of that observation with the occurrence of particular crimes within their circle, a great deal of explanation and teaching on the part of the European officers of Police will be requisite; for example, not to speak of an assembly of people in other than ordinary numbers near wealthy towns, as indicating an evil purpose on their part or of gypsy encampments, as likely to contain persons of bad character and predatory habits, or of other equally obvious and prominent objects of observation. It will possibly happen that a Police officer on his beat may observe the occurrence of a personal quarrel between two or more parties, who separated on his interference, and were thus prevented from committing further violence. But it may happen that such a quarrel may lead, in the course of time, to a murder, attempt to murder, or other crime of violence; and the Police officer having observed the personal quarrel, and made himself acquainted with the parties, will be in a position to give a reasonable clue to the detection of the culprit; or, as a second illustration:—A stranger is seen in the house of, or in company with, a person of known bad character. An intelligent Police officer would take note of this, would ascertain all particulars of such stranger, and should a theft occur, it is probable he will have, by such observation, obtained a clue which will lead to discovery of the offender. The Police should not restrict themselves to watching large assemblages of people, whether on occasion of a fair, or of a religious ceremony or marriage procession, which are usually notorious: but should extend their vigilance and their observation to smaller every-day occurrences, and note particularly, and at the time, any such as may seem likely to result in a breach of the peace, or other offence within their primary cognizance.—*Ibid.*

XXIV. It shall be lawful for any Police officer to lay any information before a Magistrate, and to apply for a summons, warrant, search warrant, or such other legal process as may by law issue against any person committing an offence, and to prosecute such person up to final judgment.

XXV. It shall be the duty of every Police officer to take charge of all unclaimed property, and to furnish an inventory thereof to the Magistrate of the District.† The Police officers shall be guided as to the disposal of such property by such order as they shall receive from the Magistrate of the district.

XXVI. The Magistrate of the district may detain the property and issue a proclamation, specifying the articles of which it consists, and requiring any person who has any claim thereto to appear and establish his right to the same within six months from the date of such proclamation.

XXVII. If no person shall within the period allowed claim such property, it may be sold under the orders of the Magistrate of the district, and the proceeds shall be at the disposal of Government.

XXX. The District Superintendent and Assistant District Superintendent of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, or in the public streets, or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass. They may also regulate the use of music in the streets on the occasion of festivals and ceremonies.

XXXI. It shall be the duty of the Police to keep order on the public roads, and in the public streets, thoroughfares, ghauts, and landing-places, and at all other places of public resort, and to prevent obstructions on the occasion of assemblies and processions on the public roads and in the public streets, or in the neighbourhood of places of worship during the time of public worship, and in any case

* See also pp. 913, &c. † Pp. 332, 333.

when any road, street, thoroughfare, ghaut or landing-place, may be thronged or may be liable to be obstructed.

By Panjab P. C. XIV of 1867, the Police are reminded that it is their duty to take steps to remove obstructions from public roads and prevent their being dangerous to traffic: they can and must (1) request the authors of the obstruction to remove it; (2) place a light or a watchman by night; (3) report to nearest Tahsildar or municipal office or Police executive officer.

XXXV. In all cases of convictions under this Act, the officer trying the case shall be limited to his ordinary jurisdiction as to the amount of fine or imprisonment which he may inflict; provided that any charge against a Police officer above the rank of a constable under this Act shall be enquired into and determined only by an officer exercising the powers of a Magistrate.

XXXVI. Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Regulation or Act for any offence made punishable by this Act, or from being liable under any other regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act. Provided that no person shall be punished twice for the same offence.

XLI. All sums paid for the service of process by Police officers, and all rewards, forfeitures, and penalties, or shares of rewards, forfeitures, and penalties, which by law are payable to informers, shall, when the information is laid by a Police officer, be paid into the General Police Fund.

By the term "rewards" are not intended rewards specially authorized by the Government or its officers for the apprehension of absconded offenders, escaped convicts, or for any special service. These will be payable to the parties performing such service. But they are the "rewards and forfeitures" contemplated by Regulation VII of 1824, for information of infraction of Abkaree laws; for infraction of the Opium laws under Regulation III of 1816, and such like. To such rewards no Police officer giving the information referred to will be entitled, because he is a paid servant of the Government, entertained for the enforcement of all laws. The whole of such rewards and forfeitures will, however, be claimed from the Department authorized to award such, and will be credited to the General Police Fund—*Res. Govt., W. P.*, 767 *A.*, 1861.

XLII. All actions and prosecutions against any person, which may be lawfully brought for anything done or intended to be done under the provisions of this Act, or under the general Police powers hereby given, shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant, or to the District Superintendent, or Assistant District Superintendent of the district in which the act was committed, one month at least before the commencement of the action. No plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action is brought, or if a sufficient sum of money shall have been paid into Court after such action is brought by or on behalf of the defendant; and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial is held shall certify his approbation of the action. Provided always that no action shall in any case lie where such officers shall have been prosecuted criminally for the same act.*

XLIII. When any action or prosecution shall be brought, or any proceedings held against any Police officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate. Such plea shall be proved by the production of the

* The Agra Court (C. O. 23, 1862) have ordered that the rules laid down in this section are to be strictly observed. Care must be taken that neither criminal prosecutions nor civil actions be instituted after the prescribed period of limitation; and, on the other hand, that one month's notice be given before the institution of civil actions. They also directed a similar notice to be given to the District Superintendent in criminal prosecutions. The limitation here prescribed can only be pleaded in criminal prosecutions when it is shown that the offence charged was committed while exercising Police functions and in the reasonable discharge thereof. A Magistrate should allow the head of the Police to inspect the record of the trial of any member of the force after the trial or after the expiry of the period of appeal.

warrant directing the act, and purporting to be signed by such Magistrate; and the defendant shall thereupon be entitled to a decree in his favor, notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine. Provided always that any remedy which the party may have against the authority issuing such warrant shall not be affected by any thing contained in this section.

XLIV. It shall be the duty of every officer in charge of a Police station to keep a general diary* in such form as shall, from time to time, be prescribed by the Local Government, and to record therein all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined. The Magistrate of the district shall be at liberty to call for and inspect such diary.

XLV. The Local Government may direct the submission of such returns by the Inspector-General and other Police officers, as to such Local Government shall seem proper, and may prescribe the form in which such returns shall be made.

XLVI. This Act shall not take effect in any presidency, province, or place, unless the same shall be extended to such presidency, province or place, by the Governor-General of India in Council, by an order to be published in the *Government Gazette*. When the Act shall have been so extended, it shall be carried into effect in such presidency, province or place, as the Local Government by an order to be published in the Official Gazette shall direct.

XLVII. It shall be lawful for the Local Government in carrying this Act into effect in any part of the territories subject to such Local Government, to declare that any authority which now is or may be exercised by the Magistrate of the district over any village watchman or other village Police officer for the purposes of Police, shall be exercised, subject to the general control of the Magistrate of the district, by the District Superintendent of Police.

FORM (see *Section VIII*).

A. B. has been appointed a member of the Police force, under Act V of 1861, and is vested with the powers, functions, and privileges of a Police officer.

* See p. 87.

Schedule of Offences punishable under Act V of 1861.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
19	Any person being appointed a special Police officer, without sufficient excuse, neglecting or refusing to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties.	Any person.	N. C.	S.	B.	Fine not exceeding Rs. 50 for every refusal and disobedience, &c.	Any Magistrate.	XXXVII. All forfeitures or penalties imposed under the authority of this Act for offences punishable by a Magistrate may, in case of non-payment thereof, be levied by distress and sale of the property of the offender within the limits of the jurisdiction of the Magistrate of the district, by warrant under the hand of the Magistrate who made the order. XXXVIII. In case any such forfeiture or penalty shall not be forthwith paid, the Magistrate may order the offender
28	Any person having ceased to be an enrolled Police officer under this Act not forthwith delivering up his certificate and the clothing, accoutrements, appointments, and other necessaries which shall have been supplied to him for the execution of his duty.	"	"	"	"	Penalty not exceeding Rs. 200, or imprisonment of either description not exceeding 6 months, or both.	"	
29	Every Police officer who shall be guilty of any violation of duty or wilful breach of neglect of any rule or regulation or lawful order made by competent	"	"	"	"	Penalty not exceeding 3 months' pay, or imprisonment of either description not exceeding 3 months, or both.	"	

Schedule of Offences punishable under Act V of 1861.—(Continued.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
	authority; or who shall withdraw from the duties of his office without permission, or without having given previous notice for the period of two months; or who shall engage without authority in any employment other than his Police duty; or who shall be guilty of cowardice, or who shall offer any unwarrantable personal violence to any person in his custody.							
32	Every person opposing, or not obeying the orders issued under the last two preceding sections, or violating the conditions of any license granted by the District Superintendent or Assistant District Superintendent of Police for the use of music or for the conduct of assemblies and processions.	Any person.	N. C.	S.	B.	Fine not exceeding Rs. 200.	Any Magistrate.	such warrant of distress, unless the offender shall give se- be appointed for the return of the warrant of distress. can be had whereon to levy such fine, and the same shall not fession of the offender or otherwise, that he has not suffi- were issued, the Magistrate may, by warrant under his hand, imprisoned, according to the discretion of the Magistrate, fifty rupees, and for any term not exceeding four calendar six calendar months in any other case, the commitment to

34	Any person who, on any road or in any street or thoroughfare within the limits of any town to which this section shall be specially extended by the Local Government, commits any of the following offences to the obstruction, inconvenience, annoyance, risk, danger, or damage, of the residents and passengers, *First.*—Any person who slaughters any cattle or cleans any carcass; any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle. *Second.*—Any person who wantonly or cruelly beats, abuses, or tortures any animal. *Third.*—Any person who keeps any cattle or conveyance of any kind standing longer than is required for loading or unloading, or for taking up or setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public. *Fourth.*—Any person who exposes any goods for sale. *Fifth.*—Any person who throws or lays down any dirt, filth, rubbish, or any stones or building materials; or who constructs any cow-shed, stable, or the like, or who causes any offensive matter	"	C. if committed in presence of Police.	"	"	Fine not exceeding Rs. 50, or imprisonment not exceeding 8 days.	"	to be apprehended and detained in safe custody until the return can be conveniently made to curity to the satisfaction of the Magistrate for his appearance at such place and time as shall XXXIX. If upon the return of such warrant it shall appear that no sufficient distress be forthwith paid, or in case it shall appear to the satisfaction of the Magistrate by the con cient property whereupon such a fine or sum of money could be levied if a warrant of distress commit the offender, provided he is not an European British subject, to prison, there to be for any term not exceeding two calendar months when the amount of fine shall not exceed months when the amount shall not exceed one hundred rupees, and for any term not exceeding

Schedule of Offences punishable under Act V of 1861.—(Concluded.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Summons or Warrant to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
	to run from any house, factory, dung-heap, or the like. *Sixth.*—Any person who is found drunk or riotous, or who is incapable of taking care of himself. *Seventh.*—Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose. *Eighth.*—Any person who neglects to fence in, or duly to protect, any well, tank, or other dangerous place or structure.	Any person.	C. if committed in view of Police.	S.	B.	Fine not exceeding Rs. 50, or imprisonment not exceeding 8 days.		be determinable in each of the cases aforesaid on payment of the amount. XL. If the offender be an European British subject, the Magistrate shall record the facts and transmit such record to the District Court of the district wherein the offender is convicted, and the amount of the fine and costs (if any) shall be levied in the manner provided for the execution of decrees of the Civil Court.

The following extract from the N. W. P. Police Report for 1872 should not escape attention:—

"However great the advantages of sanitation may be, they are considerably weighted by the severe processes through which they have to be inculcated on the people, the indignity of arrest, the inconvenience and loss of time, and the subsequent punishments which, though small for each breach of the laws, are not the less vexatious and annoying. In many cases it will be sufficient to warn the offender and summon him afterwards for sentence. Where classes of this case are numerous, a fixed and early hour of the day might be set apart for disposing of them, and in all cases one Magistrate might be told off to take up these cases on the first opening of his Court.

Calcutta High Court Rulings on s. 29.

A., a head constable, was suspended by the District Superintendent, and ordered to remain in the Police lines. He applied about six weeks after to the Deputy Magistrate to be released from illegal restraint, and the following was passed on his petition :—

"I submit this for final orders of the District Magistrate. There is no one in Court to pre-"vent petitioner's free movement, or to show why he should not be free, therefore he may go "with his pleader."

After this he left the Police lines, and a warrant of arrest was issued, to this he surrendered, and was fined under s. 29, Act V. The sentence was illegal, as a Police officer suspended ceases to be a Police officer within the meaning of the Act—*Dinonath Gangooly*, B. L. R., VIII, 58.

A., a Police officer, was investigating a Police case at Z. Information of an impending riot at Y. was brought to him when at Z. Because he does not at once go to Y., he is not therefore necessarily guilty of an intentional breach of duty under s. 29, Act V of 1861.

POLICE ADMINISTRATION REPORT, N. W. P.

Report of District Superintendents, with all statements attached, should reach Magistrate of the district by the 10th January at the latest. Magistrates should forward the same with their remarks as soon as possible—*C.* 33 *of* 1868.

POLICE BUILDINGS, N. W. P.

By the middle of October of each year, Magistrates will forward, through Commissioners to the Inspector-General of Police, a detailed statement showing the proposed construction and repairs of all Police buildings, valued at Rs. 1,000 or upwards, for the ensuing year. Plans and estimates will accompany the detailed statement.

4 Magistrates of districts will, as before, be held responsible for the proper construction of Police buildings within their respective districts.

5. Repairs of an urgent nature may be undertaken by Magistrates, with the sanction of Commissioners, in anticipation of approval.

6. The procedure in respect to "petty repairs and construction," for which arrangements are now made by the Inspector-General of Police, in communication with Magistrates, will remain unaltered—*N. W. P. C.* 2 *A of* 1871.

POLICE, WHEN TO COMMUNICATE ONE WITH ANOTHER.

Instances.

A dacoity occurs by armed men; immediate notice should be sent to Police of a surrounding circle that such occurred, and with a formal requisition that immediate search may be made for men of the description given.

A theft occurs, and the thief is believed to have gone in a certain direction; immediate notice is sent to the Police of that direction, with lists of stolen property, and with a requisition that a close search may be made.

A murder is committed and the murderer absconds. He is said to have connections in a distant part of another district. Notice is sent to that district, and a requisition made for search in the tract indicated.

8. In all such and similar cases communication should be made by the Police to each other, but with an express purpose, and in such cases the Police should be instructed in, and made to obey, the following directions.

9. Notice of crime should be sent without any delay, and by the most expeditious methods, by the Police officer of the spot, and only to such Police as can afford probable assistance. The notice will not be a mere narrative of the crime, but will show the object and the nature of search to be made, or of the assistance required, and such information as will facilitate such search, or be indicative of the nature of the enquiry most likely to be successful.

10. A Police officer receiving such notice will at once take active and practical measures for rendering the assistance called for, in the most effectual way, until the pursuit, search, or enquiry drops by order of the Superintendent of the District in which the offence occurred. The Police of neighbouring stations, who have been called upon to assist, will communicate daily, and in the shape of a special diary,* with the Police of the spot, that the latter may be daily cognizant of the united efforts made, and the result. This daily diary will be forwarded also by the officer of the spot to his District Superintendent, together with his own diary of proceedings.

11. The Police assisting in search will send a second copy of the diary forwarded by them to the Police of the spot for the information of the District Superintendent, who will then see that his Police are giving the assistance required, promptly and efficiently.

12. It will be seen that communication of crime by Police of one to Police of another district, should only be made when there is a special specific object in doing so.

POLICE GAZETTE.

1*st.*—On the occurrence of murder, administering poisonous drugs, dacoity, extensive burglary, or highway robbery, in which Police have failed to detect the criminal, and in which co-operation of the Police beyond the district is necessary for detection or pursuit, the District Superintendent should send a memo. to office of Inspector-General of Police, giving a concise account of the occurrence, date, place, circumstances attending it, and descriptive roll or other information regarding the persons supposed to have been concerned. Any information likely to be of service to the criminal must be carefully avoided, and only cases should be forwarded of which publication is necessary or likely to be useful. Numerous cases will probably require publication, and it is very necessary that such intimation should be given in as concise and yet complete a form as possible. Memoranda of poison cases will be forwarded whether the crime is detected or not.

2*nd.*—Notices of cases of sedition, or mischievous preaching and publication, which have been prosecuted to conviction, should also be sent with the least practicable delay. When published at once, they have a greater effect in frightening and warning others.

3*rd.*—Information of prisoners of importance escaped from hawalat or from custody of the Police should be sent for publication.

4*th.*—The above subjects are all the District Superintendents have to furnish for the *Police Gazette.* They should be furnished in English and Oordoo if possible—and bear the District Superintendent's own signature.

5*th.*—Immediate notice should be forwarded when received, and on the envelope it should be noted that the contents are for publication in *Police Gazette.*

6*th.*—Information on other points will not be required from District Superintendents. Proclamations of escaped convicts will be submitted by officers in charge of jails; those of grave offenders by the Magistrates of Districts; appointments, &c.,

* See App., "Special Diary."

of Inspectors, notifications of rewards and punishments to Police, and also notices of cases in which Police have been successful, being prepared in this office. Instances of the latter two should be forwarded to this office for the Inspector-General's information, and for publication in *Gazette*, if considered of sufficient importance.

4. District Superintendents will take care that all parts of the *Gazette*, of which they should have full information, are read aloud to every constable attached to stations or outposts, until they are thoroughly informed thereof.

14. The *Police Gazette* is intended as a means of publishing names and descriptive rolls of absconded offenders or escaped convicts who are of notoriety, for whom general search is required, or for whose apprehension rewards are offered. *2ndly*,—To communicate intelligence of the commission of such crimes, being of grave character, and of general importance or novelty, of which repetition may be prevented by being forewarned, or of which some general clue has been found to exist, and of which detection may be affected by any other Police, who accidentally or otherwise obtain that clue.

Circular No. 15, *dated* 1*st May* 1868.

Again, the *Police Gazette* is often needlessly filled with long lists of property stolen from different districts.

3. District Superintendents availing themselves of the *Police Gazette* for this purpose are directed to enumerate a few articles only in each case, taking care to select such things as will afford a hope of recognition, either on account of some noticeable mark, or make, or other peculiarity attending them: for instance, a jewel may have been broken and repaired, a brass vessel be dented or scratched by a blow or a fall, a shawl torn and mended;—some individuality of construction is always to be found in the handiwork of certain workmen.

4. The owner of the stolen property should be closely questioned on these points, and his statements carefully noted. The articles so found to be distinguishable will then be enumerated in the *Police Gazette*, with a remark that the remainder of the property stolen consisted of so many "pieces of cloth," or "brass vessels," or "jewels," of a total value of rupees so much.

5. If no peculiar mark can be indicated by the complainant, or discovered by the District Superintendent, nothing will be sent for publication beyond a notice that a theft of so many "pieces of cloth," or "jewels," has been reported at station on the , in order that Police officers may be on their guard, if suspicious characters are found with such property in their possession. It may also be useful to state any circumstances attending the theft which might possibly assist detection.

LANDLORDS AND POLICE.

ACT II OF 1853.

An Act to remove doubts as to the liability of all subjects of Her Majesty to the same jurisdictions as natives in respect of public and Police duties and public charges incident to the holders of land or their local agents or managers.

Whereas by virtue of Act No. IV, 1837, it is lawful for any subject of Her Majesty to acquire and hold in perpetuity, or for any term of years, property in land, or in any emoluments issuing out of land, in any part of the territories under the Government of the East India Company; and whereas doubts have arisen whether all subjects of Her Majesty acquiring or holding property in land, or in any emoluments issuing out of land, or acting as local agents or managers of such property, are subject to the same jurisdictions as natives for enforcing the discharge of public and Police duties incident to the holding of such property, or for the enforcement of public charges and assessments upon or in respect thereof; and whereas it is just and reasonable that all persons who may think fit to hold such property, or to be the local agents or managers thereof, should be liable to the public burthens and

duties incident thereto, and in case of neglect or refusal to discharge the same, should be subject to the same jurisdictions as natives, it is therefore declared and enacted as follows:

I. No person whatever, being the owner, holder, or farmer of any property in land, or in any emoluments issuing out of land, in any part of the said territories, whether in perpetuity or for a term, or, being a local agent or manager of any such property, is by reason of his place of birth, or by reason of his descent, exempt from any public charge or assessment, or from any duty connected with the Police, or with the salt or opium revenue, or from any duty whatsoever of a public nature, to which he would otherwise be subject, as the owner or holder of such property, or as a local agent or manager thereof.

II. For the non-payment of any such public charge or assessment, or for the breach of any such duty as aforesaid, or for any neglect or misconduct in the discharge thereof, every person, whatever may have been his place of birth, or his descent, shall be subject to the same laws, regulations, and procedure, and to the same jurisdiction as if he were a native of the said territories.

MUNICIPAL CONSTABULARY AND CHOWKEEDARS.

Circular No. 17, dated 28th May 1868.

All sanctioned changes in allocation or strength of Municipal Police will hereafter be intimated in the *Police Gazette*.

MUNICIPAL POLICE CONSTABULARY.

1. The above are Police entertained for the special service of the town, cantonment, or municipality paying for the same. They are over and above the Police entertained for ordinary duty of Police, but are under the direction and control of the sub-inspector of the station, unless an officer of that rank is provided for amongst such Municipal Police. They are also under the supervision of the visiting inspector of the circle, unless a special inspector of municipal Police be provided by the town.

2. The strength of Municipal constabulary has been fixed in consultation with Commissioners and Magistrates and has received the sanction of Government; and the costs thereof for every district will be provided in the annual budget. No alteration or changes in the strength of this force or in the grades of its officers will be allowed without the sanction of the Inspector-General of Police. All proposed changes must at once be reported by the District Superintendent to the office of the Inspector-General.

3. The full cost of Municipal constabulary, including cost of uniforms for constables, at the rate of 8 annas each constable per mensem, must be paid monthly by the town. Wherever this is not done, it is the duty of the District Superintendent at once to report the omission to the office of the Inspector-General.

4. To almost every station, whether city or mofussil, a certain number of villages are attached. The execution of warrants, the service of summons or other process, the observation of notorious bad characters, the enquiry or pursuit after absconded offenders, the local investigation into offences, and all other duties to be performed *beyond* the precincts of the town, cantonment, or municipality, are to be performed exclusively by the station Police; and upon them will also devolve the custody of prisoners in the lock-up or in transit, the keeping of all station registers and records, and the custody of all properties in the malkhanah; whilst upon the Municipal constabulary will devolve the execution of warrants, the service of summons and other process, the observation of all notorious bad characters, the enquiry or pursuit after absconded offenders, the local investigation into offences *within* the town, as well as continual patrol by watch and ward during night, and the prevention of offences and

preservation of peace on the main thoroughfares during the day. In towns to which no villages are attached, and in cantonments where there are both station and Municipal Police, the same principle in the division of duties inside the town or cantonment will be observed.

5. The Municipal constabulary will form a part of the general Police force of the district; and, as heretofore, their pay will be drawn in the district monthly pay abstract. As a rule, the men selected for Municipal constabulary in a particular town should be retained permanently on duty in that town. They will thus gain useful local knowledge of their beats and of the people. But it is optional with District Superintendents from time to time to transfer officers and men from town to district, or to reserve, and *vice versâ*, as occasion may require, in order to give promotion; or to remove any Municipal Police officer from a particular duty for which he is not suited, or in which he has learned to exercise evil influence. Municipal Police on leave of absence will be replaced as usual by men from the reserve.

6. Municipal Police will be divided into three divisions—A, B, and C.

7. The city or cantonment should be divided into beats, each beat defined and numbered, and a list of beats be hung up on the wall of the station-house.

8. One constable of each division will be told off to each beat.

9. The beats will be divided amongst the head constables, as a general rule, each head constable having a circle of four or six beats—*i.e.*, charge of 12 or 18 constables.

(The main object of distinguishing Municipal Police from the portion of the force employed on Government duties is to effectually prevent them being employed otherwise than in the service of the town, or being sent on duties or journeys beyond the town, and thereby rendering them unable by fatigue for the duty of night watch and ward). It will be optional with the District Superintendent to transfer Municipal Police officers from one beat to another in the same town, whenever and as often as he may consider it necessary.

II. Night duty will be of four hours' duration; and during the term of duty the constable must be constantly moving and vigilant, not only on thoroughfares, but, which is more essential, in the back lanes and bye-ways.

12. Relief of duty will be provided for weekly, as shown in the following table:—

Term of Duty.	Division of Duty.			
	1st Week.	2nd Week.	3rd Week.	4th Week.
1.—6 P.M. to 10 P.M.	A.	B.	C.	A.
2.—10 P.M. to 2 A.M.	B.	C.	A.	B.
3.—2 A.M. to 6 A.M.	C.	A.	B.	C.
4.—Day duty.	A.	B.	C.	A.

13. Half the men off duty during day must be present at the station-house of the party: during night, all men off duty must be present.

14. During day, one constable should be posted to two or three beats, to watch the streets and thoroughfares, maintain order, and be present for the prevention of crime, arrest or pursuit of criminals, &c.—the remaining constables being employed in service of summons or other duties.

15. Every duty, whatever its nature, should be performed by one of the three constables of the particular beat in which that duty is to be done, or by the head constable in charge.

Instances.

(*A.*)—A charge of theft is preferred in beat No. 7. The sub-inspector will enquire himself, aided by the head constable, and one, two, or the three constables of beat No. 7; or will depute the head constable of the circle which includes beat No. 7 to make that enquiry, and furnish a special report of his proceedings, aided by those constables.

(*B.*)—A summons has to be served on a resident in beat No. 13. A constable of that beat will be employed.

16. On occasions of large religious or other assemblies—*e.g.*, the Moharrum fast, the Ramleela festival,—the duties of the Municipal Police will be rather of preservation of peace and order in the streets. On such occasions, the force should be kept together for this purpose, under such orders as may be applicable, and which the Superintendent, under the general control and direction of the Magistrate of the district, may issue. In some towns it may be necessary to have an armed additional force; in such case, it will be furnished from the reserve, without additional charge to the town. Such armed force should invariably be kept together, under an officer of higher Military training, and, if possible, a European officer; and it should be kept in the principal Police station (Kotwalee), or such place as will keep the force quite separated from the mob.

17. As a rule, the Municipal constabulary will be located in outposts conveniently situated at main entrances to towns, on the principal thoroughfares, and in the chief bazaars, a certain portion being located at the chief Police station. They will consist of civil Police,—the only armed Municipal Police being at Benares, for whom special rules will be issued. They should be assembled daily at the several outposts for drill under their respective head constables; and once a week they will, under their respective head constables, be marched up to the chief Police station, and be there drilled in a body with a Station Police. At such parades, the Station Police will form up on the right, and the different sections of Municipal Police, each under their own head constables, on the left. After parade they will be marched back, under their respective head constables, to the different outposts.

18. A copy of these Rules, in English, Oordoo, and Hindee, will be hung up in every Police station of a town provided with watch and ward by constabulary beats.

RULE II.

MUNICIPAL POLICE, MIXED CONSTABULARY, AND TOWN CHOWKEEDARS.

1. In some few towns a mixed force of constabulary and town chowkeedars has been experimentally sanctioned by Government.

2. In the apportionment of duties in such towns, the Inspector-General of Police is pleased to lay down the following rules:—

3. The watch and ward of the town by beats shall be entirely confined to the town chowkeedars, the constabulary being merely employed to go the rounds at irregular hours of the night. For this purpose the chowkeedars' beats will be divided into circles according to the number of jemadars.

4. A head constable, attended by two constables, will go the rounds of the town at least three times between sunset and sunrise. All other duties in the town, such as serving of processes, observation of bad characters, enquiry and pursuit after absconded offenders, local investigation into offences, day duty, and general preservation of peace and order, will be performed by the Municipal constabulary, assisted by the town chowkeedars.

5. All the other general rules for Municipal constabulary and town chowkeedars apply equally to either class of the mixed force, and the duties of the Municipal constabulary must be confined strictly within the precincts of the town: and no change, alteration, or addition to the force will be allowed without the sanction of the Inspector-General of Police.

6. A printed copy of the Rules, in English, Oordoo, and Hindee, will be hung up in every Police station and chowkee of a town provided with a mixed force of constabulary and town chowkeedars.

RULE III.

MUNICIPAL POLICE CHOWKEEDARS UNDER ACT XX OF 1856,—*Vide* MUNICIPAL CHOWKEEDAREE.

RAILWAY POLICE.

5. The duties of the Government Railway Police are—to detect and prevent crime and fraud on the line; to enforce observance of the Company's bye-laws; to maintain order, and to afford protection to the lives and property of the public on the railway; and to protect all railway property of every description, except private dwelling-houses and barracks. All station-houses, entrances, passenger platforms, goods platforms, goods-sheds and yards, loaded trains and empty wagons at stations, carriage-sheds and yards, store-houses, engine-sheds and yards, and all railway offices, will come under the protection of the Government Railway Police. The Police at the several railway stations, in the absence of the Assistant Inspector-General or European Inspector, will be under the immediate control of the station-master, and be bound to carry out his orders so far as is consistent with the laws in force, and the directions they may from time to time receive from the Assistant Inspector-General.

8. The Assistant Inspector-General and the Police of the railway in all executive matters will, agreeably to Section 2, Act V of 1861, be under the general control and direction of the Magistrate of every district to the extent of that officer's local jurisdiction. All reports of crime of every description, and of accidents occurring within the railway limits, will be made to the Assistant Inspector-General. The railway authorities are, however, responsible for reporting accidents to the Magistrate of the districts. Extracts from the daily diaries of reports of crime will also be sent daily to the Magistrate by the Police officer in charge of the station, but they will not be incorporated in the district monthly, quarterly, and annual returns. Similarly, information of matters, such as crimes committed outside railway limits traced to within them by the District Police, should be forwarded by the District Superintendent to the Railway Assistant Inspector-General. Statements for special crime will be submitted by the Assistant Inspector-General to the Commissioner, and copies of special reports of professional crime will be furnished to the office of the Inspector-General. Quarterly and annual statements of all offences on the railway, and the usual annual report, will be furnished by the Assistant Inspector-General to the Inspector-General of Police, in the same form as that used by District Superintendents.

9. Information of crime which may be committed in the immediate neighbourhood of the limits of the railway—as, for instance, robbery of property from people encamped immediately outside the railway fences, waiting for trains or for their goods to be despatched by rail—are to be conveyed by the Railway Police, through the chowkeedars of the village, to the nearest station of the District Police within the limits of which the crime may have been committed. Beyond this the Railway Police will not act, but leave the matter in the hands of the District Police.

10. When an offence cognizable by the Police is committed on the railway premises, and is punishable under the general laws of the country, the Railway Police will at once take measures to have the offender brought before a Magistrate; and the regular District Police will give them every assistance. All cases taken up by the Railway Police, and prisoners charged by the Railway Police, will, if the witnesses are railway employés or travellers, be sent for trial as a rule to the nearest Magistrate on the line* having jurisdiction. But cases in which the people of the district are implicated and concerned should generally be sent for trial to the Magistrate of the district.

11. Prisoners for trial will be escorted by the Railway Police to the nearest Police station of the district; and the District Police will then take charge of them and convey them to the Magistrate's court—such Railway Police only attending, as may be required, as witnesses, or to watch the case for the prosecution. The Railway Police should be as seldom absent from stations on the line as possible. The Assistant Inspector-General will be responsible for the prosecution of offenders apprehended under his orders, and will see that the necessary witnesses are sent before the Magistrate; but on the case coming into court, the District Court Inspector will bring up the case, and be held responsible for seeing that the witnesses are in attendance, and that all the facts of the case are laid before the Magistrate.

12. In pursuit of criminals, and for the detection of crime committed within railway limits, and in the search of property stolen on the railway premises, the Railway Police have of course exactly the same authority beyond the limits of railway premises that the ordinary District Police have beyond the limits of their own station or district, as the case may be; and they will be guided by the same rules—Sections 84, 118, 141, and 143, Act XXV of 1861; North-Western Provinces' Police Circular 30, dated 17th December 1861; and Notification, North-Western Provinces, 479A., dated 11th September 1863.

13. The District Superintendents or Assistant District Superintendents of Police will not interfere in any way with the interior economy of the Railway Police, nor will they have any authority over them, except for the investigation of heinous crime under the following circumstance:—On the occurrence of any important heinous offence on the railway, should the District Superintendent or Assistant Superintendent be on the spot or close at hand, he will proceed and direct the investigation by the Railway Police, give them every assistance, and use his utmost endeavour to trace the criminals or stolen property, reporting the same to the Assistant Inspector-General. On the arrival of that officer, moreover, the District Superintendent or Assistant District Superintendent will at once desist, and leave the case in his hands. No officer of District Police below the rank of Assistant Superintendent will have any authority to interfere. Police jurisdiction can, however, be exercised on the railway by any District Police Officer, in like manner as he can under the law exercise jurisdiction beyond the limits of his own station or district, as the case may be.

14. District Superintendents and Assistant District Superintendents will also be expected to visit the Police at the railway stations, and see that they are doing their duty—reporting any negligence or disobedience of standing orders to the Assistant Inspector-General. The Inspector-General looks for the cordial co-operation and assistance of the several Superintendents through whose districts the line passes; and he feels confident that he can depend on all concerned to use every endeavour to bring the scheme to a successful issue

Bengal Police Circular No. 34 *of* 1868, *adopted by N. W. P.*

Medical officers of the railway, equally with those of Government, may be called upon to examine the corpse of any person who has met with a violent death within the railway premises, or to treat any person who has been injured there. Therefore, when occasion arises, the Police should send the dead body to, or call in the assistance of, the medical officer, whether a Government servant or paid by the

* See p. 954.

railway, who is most readily accessible. In the case of an injury only, the consent of the injured person would be necessary to his transmission.

2. When a dead body is forwarded for examination, a Railway Police constable should be sent with it, bearing a short report of the apparent cause of death, and the circumstances, if any, which gave rise to any suspicion of foul play, for the information of the medical officer. A report should be sent to the Inspector of the division, and by him to the Magistrate having jurisdiction and to the Assistant Inspector-General, Government Railway Police, for information.

RURAL POLICE.

Act III of 1869.

Whereas it is expedient to make further provision for the maintenance of the Rural Police in the North-Western Provinces of the presidency of Fort William and to define the law relating to the appointment and duties of village watchmen in those provinces; It is hereby enacted as follows:—

I.—Preliminary.

I. This Act may be called "The Rural Police (North-Western Provinces) Act."

II. Act No. II of 1865, and Act No. II of 1866, are hereby repealed.

III. This Act extends to every district in which Act No. II of 1865 was in force immediately before the passing hereof.

XIV. Subject to the orders of the Local Government, all taxes levied under this Act in any district shall, in the first instance, be applied to the maintenance of the village Police in such district, and for the purpose of this section, 'maintenance' shall be deemed to include their wages, the price of all necessaries and accoutrements supplied to them, rewards, and other incidental expenses.

The surplus (if any) may be applied by the Local Government, at its discretion, to the sanitary improvement of the district, or to any other useful purpose therein.

XV. Accounts of the taxes levied under this Act and of the application thereof shall be kept by such persons and in such form, and shall be furnished at such times and to such officers as the Local Government shall, by rules to be published in the Official Gazette, from time to time prescribe.

XVI. Such accounts shall be open to public inspection at all reasonable times without the payment of any fee.

VI.—Miscellaneous.

XXI The Local Government may, from time to time, make rules, consistent with this Act, for the guidance of officers in all matters connected with its enforcement.

All such rules shall be published in the local Official Gazette.

XXII. The Lieutenant-Governor of the North-Western Provinces and the Lieutenant-Governor of the Punjab may respectively, by notification in the local Gazette, extend this Act to any part of the territories for the time being under their respective governments; and the Governor-General of India in Council may, by notification in the *Gazette of India*, extend this Act to any province for the time being under the immediate administration of the Government of India:

Provided that this Act shall have no operation in any village to which Act No. XX of 1856, or Act No. VI of 1868, or any other special municipal law shall have been extended, so long as such Act or law continues in force in such village.

Schedule of Offences punishable under Act III of 1869.

Section.	Offences.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
17	Any proprietor failing to comply with any rule made under section fifteen.	Any person.	N. C.	S.	B.	Fine not exceeding Rs. 100, and every such fine shall when recovered be applied for the purposes of this Act in the district where it is imposed.	Any Magistrate.	

VILLAGE POLICE (NORTH-WESTERN PROVINCES) ACT OF 1873.

It extends only to the territories under the government of the Lieutenant-Governor of the North-Western Provinces;

And it shall come into force on the passing thereof.

3. The nomination to the post of Village Policeman shall be made by the zamíndár of the village, or, where there are more zamíndars than one by the lambardár as their representative, and where there are more lambardárs than one, the opinion of the majority (unless there is some special provision to the contrary in the village administration paper) shall prevail.

4. Every person authorized to nominate a person to the office of Village Policeman shall, within fifteen days after the occurrence of a vacancy in the office, nominate a proper person to the vacant post, and communicate the nomination to the Magistrate of the district.

5. The person so nominated shall, after due enquiry into his age, character, and ability, be appointed or rejected by such Magistrate at his discretion, or by some officer authorized in that behalf.

6—(*a.*) In default of such nomination within the said fifteen days, the Magistrate of the district shall appoint such person as he thinks fit to the vacancy.

(*b.*) If the nomination has been made within the said fifteen days, but the nominee is rejected, the person authorized to nominate a person to the office of Village Policeman shall, within fifteen days from the date of such rejection, nominate another person to the vacant post; and in default of such nomination, or if such nomination has been made, but the nominee is again rejected, the Magistrate of the district shall appoint such person as he thinks fit to the vacancy.

7. Every Village Policeman shall perform the following duties:—

(*a*). He shall give immediate information to the officer in charge of the Police-station within the jurisdiction of which the village is situate, of every unnatural, suspicious, or sudden death occurring in the village of which he is chaukídár;

of each of the following offences occurring in such village (that is to say)

murder, culpable homicide, rape, dacoity, theft, mischief by fire, house-breaking, counterfeiting coin, causing grievous hurt, riot,

and all attempts and preparations to commit, and abetments of, the said offences.

(*b.*) He shall keep the Police informed of all disputes which are likely to lead to any riot or serious affray.

(*c.*) He shall arrest all proclaimed offenders, and all persons whom he may find in the act of committing any offence specified in clause (*a*) of this section.

(*d.*) He shall observe, and from time to time report to the officer in charge of the Police-station within the jurisdiction of which the village may be situate, the movements of all bad characters in such village.

(*e.*) He shall report to the officer in charge of such Police-station the arrival of suspicious characters in the neighbourhood.

(*f.*) He shall supply any local information which a Magistrate or any officer of Police may require, and shall promptly execute all orders legally issued to him by competent authority.

8. Whenever a Village Policeman arrests any person, he shall forthwith take him to the Police-station within the jurisdiction of which his village is situate; provided that, if the arrest is made at night, such person shall be so taken, as soon as possible, on the following morning.

9. The Magistrate of the district may dismiss any Village Policeman for any misconduct or neglect of duty.

10. Local Government may frame further rules for discipline of Village Police and for carrying out generally the purposes of this Act and breach of such rules shall be punishable as an offence under this Act.

12. Fines levied under this Act on Villge Policemen to be credited to Chaukídári Fund of district in which they are employed.

Schedule of Offences punishable under Act of 1873.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
10	Village Policeman guilty of any wilful misconduct in his office, or of neglect of duty, such misconduct or neglect not being offence under Penal Code, or withdrawing from the duties of his office without permission or without having given previous notice for a period of 2 months or guilty of cowardice, or violating any rule made under s. 11 of this Act.	Any person.	N. C.	S.	B.	Penalty not exceeding 3 months' pay, or imprisonment of either kind (Act I of 1868) not exceeding 3 months, or both.	Any Magistrate.	

POLICE CIRCULARS, N. W. P.

1*st*.—Village chowkeedars are to be appointed on the nomination of zemindars through District Superintendents, with the concurrence of the Magistrate. During their employment they are, in the matter of Police duties, immediately under the control of District Superintendents. When discharged, orders for their dismissal will issue from the District Superintedent, with the concurrence of the Magistrate.

2*nd*.—On the other hand, town chowkeedars, under Section 50 of Act XX of 1856, are like the regular Police under the authority and control of the District Superintendent; and all appointments, dismissals, and promotions, should be made by them, subject of course to the general control of the Magistrate.

VII. All rewards to chowkeedars should, as a rule, be paid to them by the District Superintendent in person.

3. In making rewards District Superintendents should bear in mind that absence of reported crime in villages forms no proper grounds for reward. Chowkeedars may be rewarded for steady and regular reporting at Police stations; but good service in the detection of particular crime, and the arrest of notorious and important offenders, will prove the best and most fitting grounds for reward.

4. Every village (not each chowkeedar) will be furnished with a small book of record. A chowkeedar appearing at a station will be bound to bring the book with him; and, if he has anything to communicate beyond that "all is well" in his village, the station mohurrir will be bound to enter a brief note of the communication, and the chowkeedar will be instructed to insist on such entry being made. Simple notice that "all is well" will not be entered, but every notice regarding crime will be entered. Supposing there are two or more chowkeedars in a village, the book will be made over to the chowkeedar proceeding to the station. Every notice of good or bad conduct, reward conferred, or punishment inflicted on a chowkeedar of the village, will also be entered, under signature of the officer in charge of station. For the record of attendance a board should be supplied to each chowkeedar in addition to his book.

5. Good-conduct stripes may also be given to chowkeedars who have already received rewards, and who continue by their good conduct to merit motice; and opportunity occasionally be taken to reward a deserving chowkeedar by promotion to the post of constable.

No. 51, *dated* 25*th October* 1867.—Some District Superintendents are in the habit of rewarding chowkeedars within whose circle of villages no crime has occurred for the year. This custom should be immediately discontinued as it cannot fail to act otherwise than as an inducement to conceal crime.

SPECIAL REPORTS, PANJAB.

Table showing the cases in which Special Reports must be submitted by Police Officers.

1	2	3	4	5
By whom to be made.	No.	Offences for which Reports are to be submitted.	Circular Prescribing Report.	To whom Reports are to be made.
District Superintendents of Police.	1	Robbery of the Mail, I	2 of 1861 and 5 and 13 of 1864	Inspector-General, Deputy Inspector-General, Secretary to Government, and Post Master-General.
	2	Robbery of European travellers, II	2 of 1861 ...	Inspector-General, Deputy Inspector-General, and Secretary to Government.
	3	Breach of the peace, or a threatened breach of the peace, by 20 men and upwards, III	11 of 1861 ...	
	4	Highway robbery when the loss is more than Rs. 100, or when accompanied with unusual violence, IV ...	11 of 1861 ...	
	5	Political information	53 of 1861 and 13 of 1863 ...	Commissioner and Deputy Commissioner.
	6	Escape of one or more criminals, and of persons detained or confined for political reasons	13 of 1863 and 13 of 1864 ...	Inspector-General, Deputy Inspector-General, and Secretary to Government.
	7	Political information of an important character ...		
	9	Murders and all crimes accompanied with murder, V ...	13 of 1864	Inspector-General and Deputy Inspector-General.
	11	When Persian vagrants, or other wandering bodies enter a Police District	65 of 1861 and 29 of 1866 ...	Deputy Inspector-General and Commissioner in vernacular only.
	12	Report of all cases that would have been dealt with by the Thuggee Department, to be made when the case is complete, or when the Police are baffled and cannot find a clue, VI	Letters of Inspector-General Nos. 306—9 of 11th February 1864	Inspector-General, Deputy Inspector-General, and Secretary to Government.
	13	Dacoity and violent outrage, VII	4 of 1863	
	14	Unnatural or suspicious death of an European ...	13 of 1864	Inspector-General and Deputy-Inspector General.
	15	Death of, or serious injury to, a Native caused by an European	13 of 1864	
	16	Malicious injury to Railway and all Railway accidents, IX	13 of 1864	Inspector-General, Deputy Inspector-General, nearest Railway Station Master, and Secretary to Government.
	17	Malicious injury to a line of telegraph, IX	13 of 1864	Inspector-General, Deputy Inspector-General, Secretary to Government, and nearest Telegraph Office.
	18	Administering stupefying drugs with intent to cause hurt whether accompanied with robbery or otherwise, VIII	15 of 1866	Special Report with translation on reverse to be sent to Central Police Office.
	19	Theft or robbery of property in charge of Postal Department whether in motion or not...	66 of 1871	Inspector-General and Deputy Inspector-General.

Officers in charge of Police Stations.			
1	Cases of affray or riot	57 of 1861	Tehseeldar.
2	All serious offences		
3	Robbery of the mail or of European travellers ...	7 of 1862	Commissioners, Deputy Commissioners, and District Superintendents of Police.
4	Breach of the peace, or threatened breach of the peace by 20 men and upwards		
5	Highway robbery when the loss is more than Rs. 100, or when accompanied with unusual violence... ...		
6	All offences committed by Europeans and Eurasians within the General Police District		
7	Murder		
8	Homicide...		
9	Escape of one or more criminals, and of persons detained or confined for political reasons		
10	House-breaking with theft when the loss is more than Rs. 100		
11	Theft when the loss is more than Rs. 300		
12	Affrays with wounding	13 of 1864	
13	Cases of sudden and unnatural death	Section 161, Act XXV of 1861	Nearest Magistrate.
14	Malicious injury to railway	13 of 1864	Commissioner, Deputy Commissioner, District Superintendent of Police, and nearest Station Master.
15	Malicious injury to a line of telegraph	13 of 1864	Commissioner, Deputy Commissioner, District Superintendent of Police, and nearest Telegraph Office.
16	Political information	13 of 1864	To District Superintendent and Deputy Commissioner.
17	Theft or robbery &c., as sec. 19 (supra)	66 of 1871	Commissioner, Deputy Commissioner, and District Superintendent.

CIRCULAR 55 OF 1862.—Explains "Highway" to mean any made road from one town or village to another, and not a bye-path, or track ordinarily unfrequented.

CIRCULAR 78 OF 1861.—Prescribes the English and Vernacular form which must be adhered to.

CIRCULAR 42 OF 1861.—Orders that in these reports, the direction and distance of the place where the case may have occurred, from some well known place or Police Station, must be entered, also whether on the Grand Trunk Road, or a Cross Road.

NOTE.—The distance of the place, where the crime occurred, from the sudder must also be stated.

☞ A short description of the offence should be inserted in column 1 of special report, in addition to the section, number and date of Act under which the offence is charged.

These special reports to be bound: they are to be classified by crimes and placed in that classification by districts: they will be formed into Volumes according to Roman figures given above.

Cases of culpable homicide or attempt thereof or of grievous hurt perpetrated by religious fanatics to be specially reported to Inspector-General and Deputy Inspector-General.

For cases not embraced in special report tables, Superintendents to use their judgment. Any occurrence resulting from religious or political excitement affecting the peace of a town or district to be at once brought to notice in weekly No. IV Diary Form (Cir. 38 of 1871).

It should always be noted whether accused was European, Native of India, &c. District Superintendents to report all offences in which the accused is to be committed or has been committed for trial before the Chief Court, 23 of 1871. Descriptive rolls of supposed offenders in vernacular to accompany when possible vernacular special reports.

In important political cases, District Superintendents at their discretion to add a descriptive roll in English to the ordinary report 47 of 1868.

Final reports should always be sent in special offences (3 of 1871).

N. W. P. In North-Western Provinces District Superintendents, on receiving information of murders—wounding with intent to murder—gang robberies—highway robberies—thuggee—affrays—thefts by poisoning, or beyond 100 Rs. in value—house-breaking with theft above 50 Rs.—will furnish to the Commissioner of the division information of the occurrence in the accompanying form. A copy of special report in cases of thuggee, dacoity, poisoning, suttee, torture by the Police, and kidnapping will also be sent to the Inspector-General.

SPECIAL REPORTS OF CRIME.

Date of Report by D. S. District ————

Date and hour } of occurrence. Date and hour } on which reported at Station. Police Station ————

Description of Crime and Names of Parties injured.	Supposed to have been concerned.	Arrested.	Amount of Property plundered.	Amount of Property recovered.	Statement of the nature of Crime and mode of commission; the conduct of Police and measures taken to arrest and bring offenders to punishment.
			Rs. As. P.	Rs. As. P.	

NOTE.—On the back of statement should invariably be given, when obtainable, the parentage, caste, residence, and descriptive rolls of all persons concerned, whether arrested or not.

Circular No. 62, *dated* 16*th December* 1867.

When a person resident of the Punjab is convicted of an offence* in your district, District Superintendent of North-Western Provinces will invariably fill up the accompanying form and send it to the District Superintendent of the district where the individual resides, for insertion in that officer's register.

2. The Inspector-General of Police, Punjab, will be asked to order similar information to be sent to District Superintendents of this Province, on the conviction

* Heinous.

in the Punjab of any person resident of these Provinces, and the said conviction will be entered in the Register (No. 8) kept by the Court Inspector, as directed in Police Circular No. 31 of 1867.

Name, Occupation, and *aliases*.	Caste.	Parentage.	Description, Age, Height, and particular Marks.	Residence.		Brief Account of Offence.	Sentence, and Date of Sentence.
				Village.	Thannah.		

POST OFFICE.

ACT XIV OF 1866.

I. This Act shall be cited as "The Indian Post Office Act, 1866."

II. In this Act, unless there be something repugnant in the subject or context, "Criminal Court" includes every Judge, Magistrate, Justice of the Peace, or Police Magistrate lawfully exercising jurisdiction in criminal cases: "Fine" includes a penalty or forfeiture, or a sum of money due upon a forfeited recognizance: "Clubbed Packet" shall be taken to mean a packet containing a collection of letters, not made by an agent of the Post Office, transmitted through the Post Office with the view of the enclosed letters being delivered to more than one person through the agent of the person by whom the packet was made up: "Newspaper" shall include any periodical publication, published at regular intervals not exceeding thirty-one days: "Mails" shall include any letter, parcel, or other article conveyed under the provisions of this Act, as well as any box, bag, or other article, or any carriage, horse, messenger, or other person employed or used by the Post Office for the conveyance or safe custody of mails: and "British India" includes the territories which are now or shall be vested in Her Majesty or her successors by the Statute 21 & 22 Vic., c. 106.

V. Wheresoever, within British India, post or postal communications are or shall be established by the Government of India, the said Government shall have the exclusive privilege of conveying by post, from one place to another, all letters except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching, and delivering all letters, except in the following cases, that is to say:—

(1.) Letters sent by a private friend in his way, journey, or travel so as such letters be delivered by such friend to the person to whom they shall be directed, without hire, reward, or other profit or advantage for receiving, carrying, or delivering the same.

(2.) Letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose.

(3.) Letters solely concerning goods or other property sent either by sea or land to be delivered with the goods or property which such letters concern, without hire, reward, or other profit or advantage for receiving, carrying, or delivering such letters. But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized.

VI. Wheresoever, within British India, posts or postal communications are or shall be established by the Government of India, the following persons are expressly forbidden to collect, carry, tender, or deliver, any letter or letters, or to receive any letter for the purpose of carrying or delivering the same, although they shall not receive hire or reward for so doing, that is to say:—

(1.) Common carriers of passengers or goods, and their drivers, servants, or agents, except letters solely concerning goods in their carriages.

(2.) Owners and commanders of ships, steam-boats, or other vessels passing on any river or canal, or to or from any port in British India, and their servants or agents, except letters solely concerning goods on board.

IX. Nothing contained in this Act shall be construed to oblige any person to send any newspaper through the Post Office, but it shall be lawful for all persons to send the same in any other manner.

XVI. Where there is no Banghy-post established on any line of road, parcels, books, and other articles shall be received and transmitted by the letter-post, and shall be charged with postage according to the scale in section 13 or 14 of this Act, as the case may be, if it be certified in writing, on such parcel, book-packet, or other article, under the full signature and address of the sender, that it does not contain any letter or other written communication on which a higher rate of postage is chargeable under any section of this Act.

If any such certificate be false, any such letter or other written communication contained in such certified parcel, book-packet, or other article shall be charged with letter-postage as if sent separately, and the sender shall be subject to the penalty hereinafter provided.

XXV. Any person posting a letter or other article shall be entitled to require that it shall be registered at the receiving Post Office, and that a receipt shall be granted for such registered letter or article; and it shall be lawful for the Governor-General of India in Council to direct that, in addition to any rates of postage payable under this Act, a fee not exceeding four annas shall be charged on any letter or other article which the sender thereof shall require to be so registered, and such registration fee shall be paid by means of a stamp or stamps affixed to the letter or other article.

XXVII. No person having delivered into any Post Office any letter or other article shall be entitled to recall the same: but nothing in this section shall prevent the re-delivery of any letter or other article to the sender thereof subject to such rules and regulations, if any, as the Governor-General of India in Council may from time to time prescribe in that behalf.

XXVIII. The person to whom any letter or other article, the postage of which has not been paid, shall be delivered, shall not be bound to pay the postage if he forthwith return the same unopened; but if he open the same, he shall be bound to pay the postage due thereon. If he forthwith return the same unopened, the sender of the letter or other article shall be bound to pay the postage thereof. If any person shall refuse to pay any postage which he is legally bound to pay for any letter or other article, the same may be recovered for the use of the Secretary of State for India by any Post Master-General, or by any officer in charge of a Post Office by order of a Post Master-General, in the same manner as a fine may be recovered under this Act; and it shall be lawful for the officer in charge of any Post Office to withhold from the person so refusing until such postage be paid any other letter or other article addressed to that person, not being on Her Majesty's Service. Provided always that, if a letter or other article shall appear to the satisfaction of the Post Master of the office of delivery to have been maliciously sent for the purpose of annoying the person to whom it is addressed, the Post Master of the delivery office may remit the postage.

XXXI. When any vessel arrives by sea at any place within British India at which there is a Post Office, the commander of such vessel shall, as speedily as possible, cause every letter, mail bag, box, and packet on board of such vessel, which is directed to that place, and not excepted from the exclusive privilege of the Post

Office to be delivered either at the Post Office or to some officer of the Post Office authorised to receive the same; and if there be on board any letter, mail bag, box, or packet directed to any other place and not excepted from the exclusive privilege aforesaid, the said commander shall, as speedily as possible, report the same to the Post Master of the place at which he has arrived, and shall act according to the directions he may receive from such Post Master, and the receipt of such Post Master shall discharge such commander from all responsibility in respect of such letter or packet.

XXXIV. The commander of every vessel leaving any place in British India by sea, shall receive on board of such vessel every letter and packet which he shall be required so to receive by any officer of the Post Office, and shall give a receipt for such letter or packet.

XXXVII. Postage stamps, provided as aforesaid, *i.e.*, by Government shall be, under the care and management of such officer or officers as the Governor-General of India in Council shall from time to time direct: postage stamps shall be considered as stamps issued by Government for the purpose of revenue, within the meaning of the Indian Penal Code; and all sums of money realized by the sale of such stamps shall be carried in the public accounts to the credit of the Post Office.

XXXVIII. The Governor-General of India in Council may from time to time make rules for the appointment and Government of vendors of postage stamps, and thereby direct how and under what terms and conditions postage stamps may be supplied to them for sale; and whether any and what security shall be given by such vendors; and whether any and what remuneration or discount shall be allowed to them; and how and in what manner, and at what time or times such vendors shall keep and render their accounts, and pay over the proceeds of any sales made by them, or re-deliver the stamps entrusted to them.

LIII. Any person, whether a European British subject or not, who shall be guilty of any offence for which according to the provisions of this Act he shall be liable to a fine only, shall be punishable for such offence by any Criminal Court upon summary conviction.

LIV. No conviction, order, or judgment of any Criminal Court, shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds, but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment; and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

LV. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only, to any of his assistants or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

LVI. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Criminal Court or by any Assistant to a Magistrate or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the abovenamed officers. In case any such fine shall not be forthwith paid, any such officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such officer may take security by way of recognizance or otherwise. If upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if

a warrant of distress were issued, any such officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

LVII. A share, not exceeding one moiety of every fine imposed and recovered under this Act, may be awarded to the informer.

LVIII. No proceedings shall be taken for the recovery of any fine imposed under the authority of this Act, for offences punishable by fine only, without an order of Government, or an order in writing under the hand of the Director-General of the Post Office, or of a Post Master-General, or other officer specially invested with the powers of a Post Master-General.

LIX. If any public servant who shall be employed in the Post Office department, or shall be appointed a vendor of postage stamps, or entrusted by the Government of India, or any Local Government with the sale of postage stamps within the dominions of any Foreign Prince or State in India in alliance with Her Majesty, in which a post shall be established by the Government of India, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done by any person similarly employed, appointed, or entrusted as aforesaid within Brit'sh India, such public servant shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within British India; and every such person may be tried, convicted, and punished, either by fine or otherwise, according to the nature of the offence, by any Court or officer duly empowered by the Governor-General of India in Council, to take cognizance of offences committed in such dominions by public servants, or by any Court or Magistrate, or other competent officer in any part of British India, in the same manner as if the offence had been committed in such part.

LX. If any officer in charge of a Post Office shall suspect that any letter or other article lying for delivery at his office contains any contraband* article, or any article on which duty is owing to Government, or that any letter or other article lying for delivery at the Post Office contains any writing or enclosure in contravention of the provisions of Sections 14, 16, or 43 of this Act, it shall be lawful for such officer to summon the person to whom the letter or other article is directed, to attend at the Post Office by himself or agent, within forty-eight hours after the arrival thereof at that Post Office, and to open the same in the presence of the person to whom it is directed, or of that person's agent; and if that person shall not so attend by himself or agent, then to open it in the absence of that person. Provided that if the officer in charge be under the rank of a Post Master, he shall call in two respectable persons as witnesses before he shall open a letter or other article in the absence of the person to whom it is addressed. Provided also, that in all cases the opened letter or other article shall be subsequently delivered to the persons to whom it is addressed, unless it be required for ulterior proceedings, and that the opening of the same and the circumstances connected therewith shall be immediately reported to the Post Master-General. It shall also be lawful for any officer in charge of a Post Office to refuse to forward any parcel through the Post Office by sea to any foreign port, or to any place not on the continent of India, unless such parcel be accompanied by a Custom House pass.

LXI. Whenever an offence shall be committed in respect of any mail bag or box, or any letter or other article sent by the post, it shall be lawful to lay in the

* Transmission by post of opium serve on behalf of Government forbidden: persons transgressing liable to penalties of excise law and any cover sent by post (not on Government account) suspected to contain opium to be dealt with under s. 60, and if cover and contents if found to be opium to be made over to nearest excise officer for prosecution—*No.* 3526, *G. I., Fin. D. of* 1869.

charge to be preferred against the offender the property of such mail bag, box, letter, or other article in the Post Master-General of the Presidency; and it shall not be necessary in the charge to allege or to prove upon the trial or otherwise, that such mail bag, box, letter, or other article was of any value; and in any charge to be preferred against any person employed under the Post Office for any offence committed against this Act, it shall be lawful to state that such offender was employed under the Post Office at the time of committing the offence, without stating further the nature or particulars of his employment.

LXII. Letters and other articles on Her Majesty's Service, certified to be such by the signature of any public officer authorized in that behalf by the Governor-General of India in Council, shall be forwarded by the post, and the postage due thereon shall be charged to or recovered from the several public departments to or from which such letters or packets are sent, in such manner as the said Governor-General of India in Council shall, from time to time, direct.

Schedule of Offences punishable under Act XIV of 1866.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
14	Enclosing more than one letter in a banghy parcel.	Any person.	N. C.	S.	B.	Penalty not exceeding Rs. 50...	Any Magistrate, see s. 55.	All these offences may be tried summarily whether offenders be European British subject or no, see also ss. 53—58.
31	Every Commander of a vessel wilfully disobeying any direction of this section.	"	"	"	"	Fine not exceeding Rs. 1,000...	"	"
32	Every person, being either the Commander of a vessel inward-bound, or any one on board such vessel, within British India, and knowingly having in his possession any letter not excepted from the privilege	"	"	"	"	Sum not exceeding Rs. 50 for every such letter.	"	"

	of the Post Office, after any part of the letters on board the said vessel shall have been sent to the Post Office, whether the letter be in the baggage or on the person of the offender, or otherwise in his custody; and every such person detaining any such letter after demand made for the same by an Officer of the Post Office					Sum not exceding Rs. 100 for every such letter.		
34	Commander of a vessel wilfully disobeying any direction under section 34.	"	"	"	"	Fine not exceeding Rs. 1,000.	"	"
39	Wilful breach by Government vendor of rules under section 38.	"	"	"	"	Fine not exceeding Rs. 200 in addition to any other proceedings to which he may be liable.	"	"
40	Any Government vendor of postage stamp refusing or unnecessarily delaying without reasonable excuse, to furnish postage stamps to any person desiring to purchase the same, and tendering in lawfully currency the full value thereof (the stamp vendor having in his possession for sale sufficient stamps of the description and value required).	"	"	"	"	Fine not exceeding Rs. 100. ...	"	

Schedule of Offences punishable under Act XIV of 1866.—(Continued.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
41	Any Government vendor of postage stamps taking from a purchaser a higher price than the value denoted on the stamps sold.	Any person.	N. C.	S.	B.	Imprisonment of either decription not exceeding 6 months, or fine not exceeding Rs. 100, and liable to refund to purchaser whole amount proved to have been taken in excess, this may be recovered just as any penalty under the Act.	Magistrate of District, see s. 55.	
42	* Person knowingly posting, or sending, or tendering, or delivering, in order to be sent by the post, any letter, parcel, or packet containing any explosive or other dangerous material or substance.	"	"	"	"	Fine not exceeding Rs. 200 ...	Any Magistrate, see s. 55.	See ss. 53—58. * Magistrates transmitting substances to the Chemical Examiner are warned that, unless such substance be properly packed, they will render themselves liable to pro-

								secution under s. 42.
43	Every person, for the purpose of defrauding the Post Office revenue, wilfully certifying by writing on any official or other letter or packet delivered at any Post Office for conveyance by post, that which is not true in respect of such letter or packet, or in respect of the whole of its contents, or knowingly sending or delivering, or attempting to send or deliver for conveyance by post, any letter or packet with any such false certificate thereon; knowingly sending or permitting to be sent by post, under color or pretence of an official communication, any letter, paper, writing, or other enclosure of a private nature.	"	"	"	"	Fine not exceeding Rs. 500 ...	"	See ss. 53—58.
44	Any person, unless acting by express order of the Government, detaining except for a criminal offence, a Post Office messenger whilst carrying the mails, or detaining any carriage or horse upon which the mails are being carried, or on any pretence opening a packet or mail bag or box in transit from one Post Office to another.	"	"	"	"	Ditto ...	"	

Schedule of Offences punishable under Act XIV of 1866.—(Continued.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
45	Every person fraudulently retaining or wilfully secreting or making away with, or keeping or detaining, or being required to deliver up by an officer of the Post Office, and neglecting or refusing to deliver up a post letter or other article which ought to have been delivered to any other person, or mail bag, box or packet containing a letter or other article which shall have been sent by the post.	Any person.	N. C.	S.	B.	Imprisonment of either description not exceeding 2 years and fine.	Magistrate of District, see s. 55.	
46 cl. 1.	Every person conveying otherwise than by the post, a letter not excepted from the said exclusive privilege conferred on the Government of India by Section 5 of this Act.	"	"	"	"	For every letter fine not exceeding Rs. 50.	Any Magistrate, see s. 55.	
cl. 2.	Every person performing otherwise than by the post, any ser-	"	"	"	"	Ditto ...	"	

	vices incidental to conveying letters from place to place, whether by receiving, taking up, ordering, collecting, carrying, tendering, or delivering a letter or letters not excepted from the said exclusive privilege.									
cl. 3.	Every person making a collection of letters for the purpose of transmitting them through the Post in a clubbed packet, and every person knowingly tendering or delivering a letter to be sent in a clubbed packet.	"	"	"	"	Ditto	...	...	...	"
cl. 4.	Every person sending a letter not excepted from the said exclusive privilege, otherwise than by the Post, or tendering or delivering a letter not so excepted, in order to be sent otherwise than by the Post.	"	"	"	"	Ditto	...	...	...	"
cl. 5.	Every person making a collection of excepted letters for the purpose of sending them otherwise than by the Post.	"	"	"	"	Ditto	...	...	...	"
cl. 6.	Every person carrying, receiving, tendering or delivering a letter, or collecting letters contrary to the provisions of Section 6 of this Act.	"	"	"	"	Ditto	...	...	...	"

Schedule of Offences punishable under Act XIV of 1866.—(Continued.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
cl. 7.	Every person in the practice of committing any of the acts mentioned in this section.	Any person.	N. C.	S.	B.	For every week during which the practice shall be continued, a further sum not exceeding Rs. 500.	Any Magistrate, see. s. 55.	
47	Every person employed to convey or deliver any mail bag or box, or any letter or other article sent by post, guilty, while so employed, of drunkenness, carelessness, or other misconduct, whereby the safety of any such bag, box, or letter or other article shall be endangered; or loitering or making delay in the conveyance or delivery of any such bag, box, letter or other article; or not using proper care and diligence safely to convey or deliver any such bag, letter, or other article; and, any person employed to deliver a letter or other article sent by the post, not duly delivering the same,*	"	"	"	"	Fine not exceeding Rs. 50 ...	"	* Such person is bound within a reasonable time not exceeding six hours to report the fact at the Post Office whence he received the same and to return the letter or article.

	and wilfully making a false report about it.						
48	Being in the employ of the Government in the Post Office Department, and stealing, fraudulently appropriating or wilfuly secreting, destroying or throwing away any letter or other article sent by post, or anything contained in any such letter or other article, or mutilating or breaking open any such letter or other article, or any mail bag or box, with the intention of fraudulently appropriating anything therein contained.	"	"	"	"	Imprisonment of either description not exceeding 7 years and fine.	Magistrate of District, see s. 55.
49	Being in such employ as last aforesaid, and fraudulently putting any wrong mark on any letter or other article, or fraudulently altering, removing or causing to disappear any mark or stamp which is on any letter or other article, or fraudulently using or placing with or upon any letter or other article, any stamp which shall have been removed from any other letter or other article; or, being entrusted with the delivery of any letter or other article, knowingly demanding or receiving any sum of money for the postage thereof other than the sum duly chargeable for such postage.	"	"	"	"	Imprisonment of either description not exceeding 2 years and fine.	"

LIBRARY

Schedule of Offences punishable under Act XIV of 1866.—(Concluded.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
50	Being in such employ as last aforesaid, and being entrusted with the preparing or keeping of any document, with a fraudulent intention, preparing the document incorrectly, or altering that document, or secreting or destroying that document.	Any person.	N. C.	S.	B.	Imprisonment of either description not exceeding 2 years and fine.	Magistrate of District, see s. 55.	
51	Any person being in employ as aforesaid, and sending by the post or putting into any mail bag or box any unstamped letter or other article upon which postage has not been paid or charged according to this Act with intent to defraud Government of the postage on it.	"	"	"	"	Ditto	"	
52	Abetting within the meaning of the Penal Code, or concealing any offence made punishable under this Act.	"	"	"	"	Same punishment as for offence.	"	

DISTRICT POST.

District Officers to take opportunities given by Inspecting Postmasters on their quarterly circuits in the N. W. P. to discuss questions connected with management of the district dâk.

District Superintendents should use these occasions to call attention to any defect or delay in transmission of Police reports.

As a rule no questions, general or special, should be referred to higher authority until this plan has first been tried and has failed—*Cir.* 25*A of* 1868.

PRINTING PRESSES.

ACT XXV OF 1867.

I. In this Act, unless there shall be something repugnant in the subject or context—

"Book" includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet of music, map, chart, or plan separately printed or lithographed.

"British India" means the territories which are or shall be vested in Her Majesty or Her successors by the Statute 21 and 22 Vict., cap. 106 other than the Settlement of Prince of Wales' Island, Singapore, and Malacca.

"Magistrate" means any person exercising the full powers of a Magistrate, and includes a Magistrate of Police and a Justice of the Peace.

Words in the singular include the plural, and *vice versâ;* words denoting the masculine gender include females.

And in every part of British India to which this Act shall extend, "Local Government" shall mean the person authorized by law to administer executive government in such part, and includes a Chief Commissioner.

III. Every book or paper printed within British India shall have printed legibly on it the name of the printer and the place of printing and (if the book or paper be published) of the publisher, and the place of publication.

IV. No person shall, within British India, keep in his possession any press for the printing of books or papers, who shall not have made and subscribed the following declaration before the Magistrate, within whose local jurisdiction such press may be:—

"I, *A. B.*, declare that I have a press for printing at——." And this last blank shall be filled up with a true and precise description of the place where such press may be situate.

V. No printed periodical work, containing public news, or comments on public news, shall be published in British India, except in conformity with the rules hereinafter laid down:—

(1.) The printer and the publisher of every such periodical work shall appear before the Magistrate within whose local jurisdiction such work shall be published, and shall make and subscribe, in duplicate, the following declaration:—

"I, *A. B.*, declare that I am the printer [*or* publisher, *or* printer and publisher] of the periodical work entitled——and printed [*or* published, *or* printed and published, *as the case may be*] at——." And the last blank in this form of declaration shall be filled up with a true and precise account of the premises where the printing or publication is conducted.

(2.) As often as the place of printing or publication is changed, a new declaration shall be necessary.

(3.) As often as the printer or the publisher who shall have such declaration as is aforesaid shall leave British India, a new declaration from a printer or publisher resident within the said territories shall be necessary.

VI. Each of the two originals of every declaration so made and subscribed as is aforesaid, shall be authenticated by the signature and official seal of the Magistrate before whom the said declaration shall have been made. One of the said originals shall be disposited among records of the office of the Magistrate, and the other shall be desposited among the records of the High Court of Judicature, or other Court within the local limits of whose ordinary original civil jurisdiction the said declaration shall have been made. The officer in charge of each original shall allow any person to inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy of the said declaration, attested by the seal of the Court which has the custody of the original, on payment of a fee of two rupees.

VII. In any legal proceeding whatever, as well civil as criminal, the production of a copy of such declaration as is aforesaid, attested by the seal of some Court empowered by this Act to have the custody of such declarations, shall be held (unless the contrary be proved) to be sufficient evidence, against the person whose name shall be subscribed to such declaration, that the said person was printer or publisher, or printer and publisher (according as the words of the said declaration may be) of every portion of every periodical work whereof the title shall correspond with the title of the periodical work mentioned in the declaration.

VIII. Provided always, that any person who may have subscribed any such declaration as is aforesaid, and who may subsequently cease to be the printer or publisher of the periodical work mentioned in such declaration, may appear before any Magistrate, and make and subscribe in duplicate the following declaration:—

"I, *A. B.*, declare that I have ceased to be the printer [*or* publisher, *or* printer and publisher] of the periodical work entitled——."

Each original of the latter declaration shall be authenticated by the signature and seal of the Magistrate before whom the said latter declaration shall have been made, and one original of the said latter declaration shall be filed along with each original of the former declaration. The officer in charge of each original of the latter declaration shall allow any person applying to inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy of the said latter declaration, attested by the seal of the Court having custody of the original, on payment of a fee of two rupees. In all trials in which a copy, attested as is aforesaid, of the former declaration shall have been put in evidence, it shall be lawful to put in evidence a copy, attested as is aforesaid, of the latter declaration, and the former declaration shall not be taken to be evidence that the declarant was at any period subsequent to the date of the latter declaration, printer or publisher of the periodical work therein mentioned.

IX. Three printed or lithographed copies of the whole of every book which shall be printed or lithographed in British India after this Act shall come into force, together with all maps, prints, or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same shall be produced, and also of any second or subsequent edition which shall be so produced with any additions or alterations, whether the same shall be letter-press or in the maps, prints, or other engravings belonging thereto, and whether the first edition of such book shall have been produced before or after this Act shall come into force, shall within one calendar month after the day in which any such book shall first be delivered out of the press, and notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered by the printer, bound, sewed, or stitched together, and upon the best paper on which the same shall be printed or lithographed, at such place and to such officer as the Local Government shall, by notification in the Official "Gazette," from time to time direct.* The publisher or other person employing the printer shall, at a reasonable time before

* All reprints and translations without comment or annotation of Acts of the several Indian Legislatures published in British India exempted from the operation of this Act by Notification No. 5793 of 1870.

the expiration of the said month, supply him with all maps, prints, engravings finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid. Nothing in the former part of this section shall apply to any periodical work published in conformity with the rules laid down in Section 5 of this Act.

X. Such officer shall thereupon give a receipt in writing for the copies so received, and, if the book is for sale to the public, shall, on the publication thereof, pay the publisher for the same copies at the rate at which the book shall be *bonâ fide* sold for cash to the public.

XI. One of such copies shall be transmitted to the Secretary of State for India, another copy shall be disposed of as the Governor-General of India in Council shall from to time, by general or special order, direct, and the remaining copy shall, after a memorandum containing the particulars hereinafter mentioned, respecting the book shall have been registered as hereinafter provided, be deposited in such public library, or be otherwise disposed of, as the Local Government shall from time to time determine.

Schedule of Offences punishable under Act XXV of 1867.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
12	Printing or publishing any book or paper otherwise than in conformity with rules contained in Section 3 of this Act.	Any person.	N. C.	S.	B.	Fine not exceeding Rs. 5,000, or simple imprisonment not exceeding two years, or both.	all Justices of the Peace.	All fines recovered as prescribed by C. P. C.
13	Any person keeping in his possession any such press as aforesaid, without making declaration required by Section 4 of this Act.	"	"	"	"	Ditto		"
14	Any person in making any declaration under the authority of this Act, making statement which is false, and which he either knows or believes to be false, or does not believe to be true.	"	"	"	"	Fine not exceeding Rs. 5,000, and imprisonment not exceeding two years.		"
15	Any person printing or publishing any such periodical work as is hereinbefore described, without conforming to the rules hereinbefore laid down, or printing or publishing or causing to be	"	"	"	"	Ditto		"

	printed or published, any such periodical work, knowing that the said rules have not been observed with respect to that work.							
16	Any printer of any such book as is referred to in Section 9 of this Act, or of any second or subsequent edition of any such book, shall neglect to deliver three copies of the same pursuant to this Act.	"	"	"	"	* For every such default, forfeiture of sum not exceeding Rs. 50, besides the value of the books which ought to have been delivered.	Magistrates of first class and	* To be recovered by officer mentioned in s. 9.
17	Any publisher or other person employing any such printer neglecting to supply him in manner aforesaid with the maps, prints, or engravings, finished and coloured as aforesaid, which may be necessary to enable him to comply with the provisions of the same section.	"	"	"	"	Ditto (only for "books," read "maps, prints or engravings.")		"

PRISONS.

ACT XXVI OF 1870.

1. This Act may be called "The Prisons Act, 1870."

It extends only to the territories respectively under the Government of the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and under the administration of the Chief Commissioners of Oudh and the Central Provinces.

And it shall come into force on the first day of December 1870.

3. In this Act—

"prison" means any gaol or penitentiary, and includes the airing-grounds or other grounds or buildings occupied for the use of the prison;

"criminal prisoner" means any prisoner charged with or convicted of a crime;

and "civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail.

13. The Superintendent shall also obey all orders respecting the prison given by the Magistrate of the district, or the Deputy Commissioner, as the case may be, and shall report to the Inspector-General all such orders and the action taken thereon.

54. The Local Government may, from time to time, make rules consistent with this Act,

(1) for the government of prisons and for the guidance of all officers appointed hereunder:

(2) as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon:

(3) as to the food and clothing of criminal prisoners:

(4) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts:

(5) for remission of sentences:

(6) for rewards for good conduct; and

(7) for the appointment and guidance of visitors of prisons.

Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

55. All rules now in force relating to any of the matters mentioned in sections fourteen, thirty-one, thirty-nine and fifty-four shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively.

Schedule of Offences punishable under Act XXVI of 1870.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
45	Whoever, contrary to prison regulations, brings, throws, or attempts by any means whatever to introduce into any prison or place provided under section five for temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug, and every officer of a prison who knowingly suffers any such liquor, tobacco, or drug, to be sold or used in such prison or place contrary to such regulations, and whoever, contrary to such regulations, conveys, or attempts to convey, any letter or other article not allowed by such regulations, into or out of any such prison or place,	Any person	N. C.	S.	B.	Rigorous imprisonment for a term not exceeding six months, or to fine not exceeding Rs. 200, or both.	Any Magistrate.	The following acts are declared to be offences against prison discipline :— (1) Wilful disobedience to the regulations of the prison by any prisoner ; (2) Assaults or use of criminal force by any prisoner ; (3) Insulting or threatening language by any prisoner to any officer or prisoner ; (4) Indecent or disorderly behaviour by any prisoner,

Schedule of Offences punishable under Act XXVI of 1870.—(Concluded)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
	and whoever abets within the meaning of the Penal Code, any offence made punishable by this section.							
49	Any prisoner guilty of repeated offences against prison discipline, or guilty of any offence against prison discipline which the Superintendent thinks not adequately punishable under s. 48.	Any person.	N. C.	S.	B.	Confinement in a punishment-cell, or in irons for any term not exceeding six months, or corporal punishment not exceeding thirty stripes of a ratan, or rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment. Nothing in this section shall authorize infliction of corporal punishment, or confinement in irons, on any female prisoner or any civil prisoner.	Magistrate of the district, or any Magistrate empowered to receive complaints without reference by the Magistrate of the district.	(5) Wilfully disabling himself from labor; (6) Contumaciously refusing to work, (7) Filing or cutting irons or bars, (8) Idleness or negligence at work by any convicted criminal prisoner; (9) Wilful mismanagement of work by any convicted criminal prisoner; (10) Wilful damage to prison property,

51	Every gaoler and subordinate officer of a prison ill-treating any prisoner, or wilfully violating or neglecting any rule* contained in this Act, or made under section fifty-four.	"	"	"	"	On conviction before the Superintendent to fine not exceeding Rs. 100, or, on conviction before a Magistrate, not being the Superintendent, to fine not exceeding Rs. 200, or rigorous imprisonment for a term not exceeding one month, or both. Any fine imposed by the Superintendent under this section may be recovered, either by deductions from the convicted officer's salary and allowances, or under the law for the time being in force for the recovery of fines. No person shall, under this section, be punished twice for the same offence.	Any Magistrate.	(11) Conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid. 50. All corporal punishment within the prison shall be inflicted in the presence of the Superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment, and the precautions to be taken in reference thereto.

* The rules contained in this Act or made under it are such as have reference to each of the following matters:—
How often the medical officer shall visit the prison and see each prisoner:
The records to be made respecting sick prisoners:
Periodical inspection of every part of the prison:
Reports on its cleanliness, drainage, warmth, and ventilation:
reports on the provisions, water, clothing, and bedding supplied to the prisoners.
(1) as to what cells only shall be used for the separate confinement of prisoners:
(2) as to the time during which prisoners, not guilty of offences against prison rules, may be confined separately.

39. Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment.

The Superintendent shall make rules as to the amount and nature of such employment; but no prisoner, not sentenced to rigorous imprisonment, shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

PRISONERS' ACT.

ACT V OF 1871.

1. This Act may be called "The Prisoners' Act, 1871."

It extends to the whole of British India; and it shall come into force on the passing thereof.

16. Officers in charge of prisons situate outside the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature at Fort William, Madras and Bombay, shall be competent to give effect to any sentence or order or warrant for the detention of any person, passed or issued by any Court or tribunal acting under the authority of Her Majesty, or of the Governor-General in Council or of any Local Government.

17. A warrant under the official signature of an officer of such Court or tribunal shall be sufficient authority for holding any prisoner in confinement, or for sending any prisoner for transportation beyond sea, in pursuance of the sentence passed upon him.

18. Any officer in charge of a prison doubting the legality of any warrant sent to him for execution under this Part, or the competency of the person whose official seal and signature are affixed thereto to pass the sentence and issue such warrant, shall refer the matter to the Local Government, by whose order on the case such officer and all other public officers shall be guided as to the future disposal of the prisoner.

Pending any such reference, the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant.

19. The Local Government may authorize the reception, detention, or imprisonment in any place under such Government, for the periods specified in their respective sentences, of persons sentenced within the territories of any Native Prince or State in alliance with Her Majesty to imprisonment or transportation for any of the following offences:—

counterfeiting coin,
uttering counterfeit coin,
murder,
culpable homicide not amounting to murder,
being a thug,
voluntarily causing grievous hurt,
administering poison,
kidnapping,
selling minors for purposes of prostitution,
rape,
robbery,
dacoity,
dacoity with murder,
robbery or dacoity with attempt to cause death or grievous hurt,
attempt to commit robbery or dacoity when armed with a deadly weapon,
making preparation to commit dacoity,
belonging to a gang of dacoits,
dishonest misappropriation of property,
breach of trust,
house-burning,
house-breaking,
forgery, and
theft of cattle;
or for an attempt to commit any of the above offences,

or for abetment within the meaning of the Indian Penal Code of suicide by burning or burying alive, or of any of the other offences above specified,

or for such other offences as the Governor-General in Council, from time to time, by order published in the *Gazette of India*, thinks fit to prescribe:

Provided that such sentences have been pronounced after trial before a tribunal in which an officer of Government, duly authorized in that behalf by such Native Prince or State, or by the Governor-General in Council, is one of the presiding Judges.

20. Every officer of Government so authorized as aforesaid shall forward with every prisoner a certificate of his conviction and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment or transportation is carried into effect.

21. Every person sentenced to be kept in penal servitude may, during the term of the sentence, be confined in such prison* within British India as the Governor-General in Council by general order, from time to time, directs;

and may, during such time, be kept to hard labour; and may, until he can conveniently be removed to such prison, be imprisoned, with or without hard labour, and dealt with in all other respects as persons sentenced by the convicting Court to rigorous imprisonment may, for the time being, by law be dealt with.

The time of such intermediate imprisonment, and the time of removal from one prison to another, shall be taken and reckoned in discharge or part discharge of the term of the sentence.

22. All Acts and Regulations now in force within British India, with respect to convicts under sentence of transportation, or under sentence of imprisonment, with hard labour, shall, so far as may be consistent with the express provisions of this Act, be construed to apply to persons under any sentence of penal servitude.

23. The Governor-General in Council may grant to any convict sentenced to be kept in penal servitude, a license to be at large within British India or in such part thereof as in such license is expressed, during such portion of his term of servitude, and upon such conditions as to the Governor-General in Council seem fit.

The Governor-General in Council may at any time revoke or alter such license.

24. So long as such license continues in force and unrevoked, such convict shall not be liable to imprisonment or penal servitude by reason of his sentence, but shall be allowed to go and remain at large according to the terms of such license.

25. In case of the revocation of any such license as aforesaid, any Secretary to the Government of India may, by order in writing, signify to any Justice of the Peace or Magistrate that such license has been revoked, and require him to issue a warrant for the apprehension of the convict to whom such license was granted, and such Justice or Magistrate shall issue his warrant accordingly.

26. Such warrant may be executed by any officer to whom it may be directed or delivered for that purpose in any part of British India, and shall have the same force in any place within British India as if it had been originally issued or subsequently endorsed by the Justice of the Peace, or Magistrate, or other authority having jurisdiction in the place where the same is executed.

27. The convict, when apprehended under such warrant, shall be brought, as soon as conveniently may be, before the Justice or Magistrate by whom it has been issued, or before some other Justice or Magistrate of the same place, or before a Justice or Magistrate having jurisdiction in the district in which the convict is apprehended.

Such Justice or Magistrate shall thereupon make out his warrant under his hand and seal, for the recommitment of the convict to the prison from which he was released by virtue of the said license.

28. Such convict shall be recommitted accordingly, and shall thereupon be liable to be kept in penal servitude for such further term as, with the time during which he may have been imprisoned under the original sentence and the time during which he may have been at large under an unrevoked license, is equal to the term mentioned in the original sentence.

29. If a license be granted under section twenty-three upon any condition specified therein, and the convict to whom the license is granted violates any such condition,

* See p. 277, also App., "Procedure."

or goes beyond the limits specified in the license,

or knowing of the revocation of such license, neglects forthwith to surrender himself, or conceals himself, or endeavours to avoid being apprehended,

he shall be liable upon conviction to be sentenced to penal servitude for a term not exceeding the full term of penal servitude mentioned in the original sentence.

30. When any person is, or has been, sentenced to imprisonment by any Court, the Local Government, or (subject to its orders and under its control) the Inspector-General of Jails, may order his removal during the period prescribed for his imprisonment, from the jail or place in which he is confined to any other jail or place of imprisonment within the territories subject to the same Local Government.

31. Whenever it appears to the Local Government that any person, detained or imprisoned under any order or sentence of any Magistrate or Court, is of unsound mind, such Government, by a warrant setting forth the grounds of belief that such person is of unsound mind, may order his removal to a lunatic asylum, or other fit place of safe custody, within the territories subject to the same Government, there to be kept and treated as the Local Government directs during the remainder of the term of imprisonment ordered by the sentence; or, if it be certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be detained under medical care or treatment, then until he is discharged according to law.

When it appears to the said Government that such prisoner has become of sound mind, the Local Government, by a warrant directed to the person having charge of the prisoner, shall remand the prisoner to the prison from which he was removed, if then still liable to be kept in custody, or if not, shall order him to be discharged.

The provisions of section nine of Act XXXVI of 1858 *(relating to Lunatic Asylums)* shall apply to every person confined in a lunatic asylum under this section after the expiration of the term of imprisonment to which he has been sentenced; and the time during which he has been so confined shall be reckoned as part of such term.

32. When any person is, or has been, sentenced to imprisonment by any Court, the Governor-General in Council may order his removal, during the period prescribed for his imprisonment, from the prison in which he is confined to any other prison in British India.

33. The Governor-General in Council may appoint the Governor or other authority at any place in British India, or one or more Superintendents at any such place, as the persons to whom convicts undergoing transportation shall be delivered.

34. The Governor-General in Council may, from time to time, prescribe rules as to the following matters:—

the classification of convicts;

their confinement, treatment, discipline, and employment;

their punishment for misbehaviour, disorderly conduct, neglect, or disobedience; and

the manner in which the proceeds (if any) of their employment shall be disposed of.

35. Any Court established under the twenty-fourth and twenty-fifth of Victoria, chapter one hundred and four, may, in any case in which it has recommended to Her Majesty the granting of a free pardon to any convict, permit him to be at liberty on his own recognizance.

PRISONERS, FEMALE, N. W. P.,

Should, as far as possible, be kept in the District Jail of the district to which they belong, and when transferred to a central prison, should be returned to the jail whence they originally came, at least a fortnight before the day of their release.

Superintendent of the Jail, to send intimation to the Magistrate who should summon some one or more relatives of the woman to receive her at the jail-door. If no one is present on the day of her release, the Superintendent should have authority, if she wishes it, to retain her at the jail for a few days till her relatives come. In making these arrangements, the Superintendent must exercise careful discretion according to the age, appearance, family, and respectability of the woman in each case.—*537A of* 1873.

PRISONERS' TESTIMONY ACT.

ACT XV OF 1869.

III. Any Criminal Court not inferior to the Court of a Subordinate Magistrate of the first class (i.e., *of the second class, Act X of* 1872) may, in its discretion, if it appear that the testimony of any person confined in any jail situate within the local limits of its appellate jurisdiction, if the Criminal Court be a High Court, or, if it be not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter depending in such Criminal Court, or if a charge of an offence against such person is made or pending, make an order in the form in Schedule A or Schedule B (as the case may be) to this Act annexed, directed to the officer in charge of the said jail.

IV. Any Civil Court may, in its discretion, if it appear that the testimony of any person confined in any jail situate within the local limits of its appellate jurisdiction, if the Civil Court be a High Court, or, if it be not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter depending in such Civil Court, make an order in the form in the said Schedule A, directed to the officer in charge of the said jail.

V. When such order is made in any civil matter pending in a Court subordinate to the Court of the District Judge, or in any Court of Small Causes situate outside the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William in Bengal, Madras and Bombay, it shall not be forwarded to the officer to whom it is directed, or acted upon by him, until the same shall have been submitted to, and countersigned by, such Judge, or the District Judge within the local limits of whose jurisdiction such Court of Small Causes is situate.

Every order so submitted shall be accompanied by a statement under the hand of the Judge of the facts which in his opinion render such order necessary, and the District Judge may, after considering such statement, decline to countersign the order.

VI. When any person for whose attendance an order as hereinbefore mentioned shall be made is confined in any district other than that in which the Court making or countersigning the order is situate, the order shall be sent by the Court by which it shall have been made or countersigned to the Magistrate of the district or division of a district in which the said person is confined, and such Magistrate shall cause it to be delivered to the officer in charge of the jail in which such person is confined.

VII. In any case in which a person is confined in a jail within the local limits of the ordinary original civil jurisdiction of any of the High Courts of Judicature at Fort William, Madras and Bombay, or in a jail more than one hundred miles distant from the place where any Court, subordinate to a High Court, in which his evidence is required, is held, the Judge or presiding officer of the Court in which the evidence is so required shall, if he think it expedient that such person should be removed under this Act for the purpose of giving evidence in such Court, and if the said jail is situate within the local limits of the appellate jurisdiction of the High Court to which such Court is subordinate, apply in writing to the same High Court, and such High Court may, if it think fit, make an order in the form in the said Schedule A, directed to the officer in charge of the said jail.

The High Court making the order shall send it to the Magistrate of the district or division of a district in which the person named therein is confined, and such Magistrate shall cause the order to be delivered to the officer in charge of the jail in which such person is confined.

VIII. In any case in which a person is confined within a jail situate beyond the local limits of the appellate jurisdiction of a High Court, any Judge of such Court may, if he think it expedient that such person should be removed under this Act, for the purpose of giving evidence in any criminal matter in such Court or in any Court subordinate thereto, apply in writing to the Local Government within the territories subject to which the said jail is situate; and such Government may, if it think fit, direct that such person shall be so removed, subject to such rules regulating the escort of such prisoners as the Governor-General of India in Council may from time to time prescribe.

IX. Upon delivery of any order under this Act to the officer in charge of the jail in which the person named therein is confined, such officer shall cause him to be taken to the Court in which his attendance is required, so as to be present in such Court at the time in order mentioned; and shall cause him to be detained in custody in or near the Court until he shall have been examined or until the Judge or presiding officer of such Court shall authorize him to be taken back to the jail in which he was confined.

X. The Governor-General of India in Council or the Local Government may, from time to time, by notification in the Official Gazette, direct that any person or any class of persons shall not be removed from the jail in which he or they may be confined; and thereupon, and so long as such notification remains in force, the provision of this Act, other than those contained in sections twelve, thirteen, and fourteen, shall not apply to such person or class of persons.

XI. When any person named in any order made under section three, section four, or section seven appears to be from sickness or other infirmity unfit to be removed, the officer in charge of the jail in which he is confined shall apply to the Magistrate of the district or division of a district in which such jail is situate, and if such Magistrate shall by writing under his hand declare himself to be of opinion that such person is from infirmity unfit to be removed;

or when any person named in any such order is under committal for trial;

or under a remand pending trial or pending a preliminary investigation;

or when any such person is in custody for a period which would expire before the expiration of the time required for removing him under this Act and for taking him back to the jail in which he is confined;

then and in every such case the officer in charge of the jail shall abstain from obeying such order, and shall send to the Court from which the order has been issued a statement of his reason for not obeying the same:

Provided that the said officer shall not so abstain when

the order has been made under section three,

and the person named in the order is confined under committal for trial, or under a remand pending trial or pending a preliminary investigation, and does not appear to be from sickness or other infirmity unfit to be removed,

and the place where his evidence is required is not more than five miles distant from the jail in which he is confined.

XV. When any process directed to any person confined in any jail is issued from any Court, the same may be served by exhibiting to the officer in charge of such jail or prison the original of such process, and by depositing with him a copy thereof.

XVI. Every officer in charge of a jail upon whom any such service as is mentioned in section fifteen shall be made, shall, as soon as may be, cause the copy of the process so deposited with him to be shown and explained to the prisoner to whom it is directed, and shall thereupon endorse upon such process a certificate signed by him that the prisoner to whom the process is directed is a prisoner in the jail under his charge, and that he has received a copy thereof.

XVIII. It shall be lawful for the Local Government, and in cases arising under section eight for the Governor-General of India in Council, to make rules consistent with this Act.

(1) for regulating the escort of prisoners to and from the Court in which their presence is required;

(2) for regulating the amount to be allowed for the costs and changes of such escort; and

(3) for the guidance of officers in all other matters connected with the enforcement of this Act;

and from time to time to alter and add to the rules so made.

XIX. All such rules, alterations, and additions shall be published in the Official Gazette, and shall, from the date of such publication, be deemed to have the force of law.

XX. The Local Government may also declare in each case what officer shall, for the purposes of this Act, be deemed to be 'the officer in charge of jail.'

LOWER BENGAL RULES.

On receipt of an order issued by a Court of competent authority under Sections 3 or 4 of the Act, the officer in charge of the jail shall make a requisition on the District Superintendent of Police for an escort, and the District Superintendent shall supply such escort in conformity with the ordinary rules of his department.

The officer in charge of such escort shall, in like manner, be guided by the rules of the Police department in the performance of his duty, and in the treatment of the prisoners under his charge.

All prisoners shall be taken to the Court before which their appearance is required by the most expeditious route. Prisoners under sentence of criminal offences shall ordinarily travel on foot; when a railway is available, all prisoners shall be conveyed by rail under charge of the Police guard.

Before any prisoner is made over to the officer in charge of the escort, the officer in charge of the jail shall satisfy himself that the fetters of the prisoner or prisoners to be removed are in order, and that each prisoner is supplied with suitable clothing, and he shall further make over to the officer in charge of the guard copies of the orders of the Court under which the prisoners are removed, together with a sum of money for their maintenance and road expenses. Diet-money shall be calculated at a rate not exceeding four annas per diem, according to the number of days when the escort will take in going to and returning from the Court.

The officer in charge of the guard shall give to the officer in charge of the jail a receipt for such prisoners as he may receive with a statement of the clothing, &c., in each prisoner's possession, and a receipt for the amount of diet-money or road expenses which has been advanced on their account. Advances required on account of the escort will be made by the District Superintendent supplying it.

Should there be a jail or lock-up at the place where the Court before which the prisoners have to appear is held, the officer in charge of the escort shall deliver the prisoners to the keeper of such jail or lock-up, and shall not be responsible for their custody while they are in such jail or lock-up, but shall only be responsible for their custody while escorting them thereto, and from such jail or lock-up to the place where the Court is held.

On the completion of the duty for which the escort was detailed, the District Superintendent supplying it shall forward a bill for the diet-money and road expenses of the prisoner or prisoners.

All sums received in payment of these bills shall at once be paid into the treasury of the district from which the escort started to the credit of Government, as a receipt either of the Police or jail department, according as the amount is paid on account of the escort or the prisoners.

These rules do not apply to state prisoners.

N. W. P. RULES, No. 1530 OF 1869.

RULES.

A.

Escort of Prisoners to and from the Court in which their presence is required.

I.—The duty of escorting prisoners to and from the Court in which their presence is required shall be performed by the Police.

II.—The strength of the escort will be as follows on ordinary occasions:—

One prisoner, two constables; more than one and not more than six, four ditto; from six to ten, one head constable and four constables. Should the number of prisioners to be escorted exceed ten, the strength of the guards may be increased in proportion.

III. If escort is required of any notorious criminal, a special guard will be supplied.

IV.—In escorting prisoners, the officer in command of the party should observe the following precautions:—

1. To keep his prisoners together in one compact body.
2. To place his Police in order at a distance of at least five paces from the prisoners on each flank and in the rear, the officer himself and half the force being in the rear.
3. Never to travel at night unless absolutely necessary, and previously authorized.
4. To regulate marches so as, if possible, to locate prisoners at night in a lock-up or the interior of a Police-station, or other place of security.

V.—All prisoners under sentence for a criminal offence shall be handcuffed before leaving the jail, and the handcuffs shall not ordinarily be removed, except when the prisoners are before the Court or confined in a place of security.

VI. All prisoners to be taken to the Court before which their appearance is required by the most expeditious route. Prisoners under sentence for criminal offences shall ordinarily travel on foot; but civil prisoners, who are desirous of obtaining and are willing to pay for the indulgence, may be provided with suitable means of conveyance. When a railway is available, all prisoners shall be conveyed by rail under charge of the Police guard.

B.

VII. Amount to be allowed for the cost and charge of the escort shall be the pay of the escort, *plus* any necessary charge incurred on the journey to and fro, and *plus* 10 per cent. for clothing, European supervision, &c., and such pay and charge shall be paid to the officer in charge of the jail in which the prisoner or prisoners may be confined on his certifying to the correctness of the amount. The charge shall be paid by the Judge of the Court, and debited to any fund applicable to the contingent expense of his Court.

C.

VIII. On receipt of an order for the production of any prisoner or prisoners, the Superintendent of the jail shall at once apply to the District Superintendent of Police of the district in which the prisoner or prisoners are confined for a guard of the strength prescribed in Rule II, and shall request the attendance of the guard at the jail-gate to receive charge of the prisoner or prisoners at an hour named.

IX. At the time fixed, the prisoner or prisoners shall be made over by the Superintendent of the jail to officer in command of escort party, together with a descriptive roll showing the name of each prisoner, his appearance, age, the Court to which he is to be removed, and the date on which his attendance is required. A

duplicate of the descriptive roll shall be signed by the officer in command and be retained by Superintendent of the jail. From the time of the delivery of prisoner to officer in command, untill his return to the jail, the responsibility for the safe custody rests with officer in command, and shall not terminate until Jail Superintendent shall have endorsed upon the descriptive roll retained by officer in command, a certificate of the prisoner having returned to the jail or not having returned owing to good and sufficient cause.

Jail Superintendent shall also advance to officer in command such charge as he shall consider necessary for completion of the journey, and also a bill showing such advances as may have been made for the above purpose, the pay of the escort and the additional charges noted in Rule VII, and shall certify under his hand that the amounts entered are correct. This bill shall be presented by officer in command to the Court, by whose order prisoner's attendance was required, and the Court shall cause the amount to be remitted to Jail Superintendent, who will then arrange with Police Superintendent for adjustment of sums due to the Police.

All state prisoners confined by order of Government exempt from the above rules.

PROCEDURE CODE, CRIMINAL.

LOWER BENGAL CIRCULARS, &c.

(Resolution), Judicial Department.

The 1st January 1873.

2. The Lieutenant-Governor has nowhere conferred upon any officer powers which the Magistrate of the District can legally bestow, but he has generally vested the senior officers at head-quarter stations under the Magistrate of the District with powers under Sections 112, 157, 417, and 521. The power of taking cognizance without complaint of offences suspected to have been committed (Section 142) is **142.** given to senior officers to be exercised in case of the Magistrate's absence, but should only be used under his special instructions as to who is to use it and who not. Where, as in the 24-Pergunnahs, more than one Magistrate at the same place has this power, the Magistrate of the District should direct which (if any) may exercise it, and the others are not to do so. It will still rest with the Magistrate of the District to confer powers if he chooses under Section 141 and other sections. Powers under Sections 44 and 266 will only be conferred on special applications for special reason shown. The Lieutenant-Governor has deliberately not given power under Section 44 of transferring cases taken upon complaint, because he thinks there has been **44.** hitherto far too great disposition to hand parties about from one officer to another. No doubt it is well that complaints should be looked into by competent officers before they are entertained; but, on the other hand, His Honor is much inclined to think that when all the petitions are taken by one officer he does not sift them properly; and it seems to him that when a complaint is taken by one officer and handed over to another and another, the responsibility for due sifting in the first instance is lost, and cannot be fixed. For the present, then, he thinks it is better that Magistrates of Districts should exercise the power of determining what classes of cases each officer may hear within certain local limits, and let these officers take the petitions themselves. The District Magistrates can reserve to themselves any classes of complaints and receive and distribute them. There are some classes of cases, such as defamation, that most Magistrates should not be allowed to entertain. In special cases, if the work thus falling on the district Magistrates is found heavy, or there is special reason for it, the Lieutenant-Governor may give powers under Section 44 to one officer at the head-quarter station, but anything of the kind must

be exceptional, the necessity being shown after a reasonable distribution of the power of receiving petitions. The Lieutenant-Governor wishes to try this last system for a time, and after sufficient experience, if any grave disadvantages are found to attend it, representation may be made. Meantime he expects the superior Magistrates narrowly to scrutinize the proceedings of their subordinates, to look over their registers, and to see what they are about.

3. Under the distribution of work above suggested, it would be most desirable that the proposition several times made should be carried out, *viz.*, that at large stations one Court should sit regularly as the Police Court, and take up at once ordinary Police cases as they are sent in by the Police. It seems wholly unnecessary that the work should be distributed in driblets, a little to every man who has powers of a Magistrate, as is now too often the case; it is not necessary to employ all the Magistrates at all times on criminal work. It is better that certain officers should be adequately employed, and the others set free for other work.

4. Magistrates of Districts should themselves dispose of all criminal appeals from the decisions of second and third class Magistrates. It is most important that they should in this way learn to know their subordinates and the results of their criminal administration. Criminal appeals do not generally involve the taking of evidence or very prolonged labor, and a District Magistrate may well dispose of them. Any
266. applications to confer appellate powers under Section 266 on any other Magistrate must therefore be very exceptional and very specially supported.

5. The Lieutenant-Governor has not generally thought it desirable to place any other officer than the District Magistrate himself in complete charge of the head-quarter division, but almost all the powers of a subdivisional officer have been or may be delegated to a senior officer under the Magistrate. The only powers which cannot be so delegated to any other than a subdivisional officer are those under
46. Section 46 (power to pass sentence on proceedings recorded by a subordinate Magis-
47. trate) and under Section 47, power to withdraw cases: and the Lieutenant-Governor does not know that it is indispensable to give these powers in any case.

6. The Lieutenant-Governor has conferred the powers of summary trial under
222. Section 222 very freely in the neighbourhood of Calcutta, where the working of the system will be open to the control of public opinion and under easy supervision. He has also in many cases given these powers to one senior officer in each station besides the District Magistrate, and occasionally to good subdivisional officers, European and Native, who already exercise first class powers, and whose position, experience and character fit them to be so treated. Magistrates of District will give special attention to the working of this provision of the law.

8. The Magistrates will, it is hoped, in most instances, be able, from their existing establishments, to spare a clerk or writer for the use of each bench on its days of sitting. Ordinarily the record and judgment should, if possible, be drawn up by the chairman or presiding officer, the briefness of the form in summary cases making this a task of little labor. If any arrangements are needed in any case under
230. Section 230 for a Court officer, a report must be made and sanction asked for. Arrangements must also be made for the issue of summons, &c., in cases to be heard by benches.

9. For the present the Lieutenant-Governor has confined the action of benches in rural places to sittings in which a salaried Magistrate takes part, but provision has been made for the hearing of municipal and conservancy cases and other petty cases by Honorary Magistrates sitting alone in towns, and the Lieutenant-Governor will be prepared to receive propositions for the constitution of such benches in rural districts also, if it is found possible to do so.

Draft Rules for Benches of Magistrates.

1. The bench shall try such cases as its powers enable it to try, and it is authorized to try within the local limits following, or such particular cases as are made over to it by the Magistrate of the District or any Magistrate empowered to

make over cases. It can only entertain of its own motion such complaints as the Magistrate of the District may authorize it to entertain both in respect of local limit and classes of cases.

[*Here enter local limits.*]

The Magistrate of the District or Division may empower any single member of a bench or any salaried Magistrates to receive complaints of cases triable by the bench, and to issue the necessary processes for bringing the accused and the witnesses before the bench at its regular sittings.

2. The bench shall sit at the place and on the dates mentioned below. The Honorary Magistrates will sit in the rotation arranged by the Magistrate of the District or Division, but any Magistrate not named may sit, unless the Magistrate of the District or Division otherwise directs.

[*Here enter place and ordinary dates of sitting.*]

3. The bench may hold one or more adjourned sittings, if this be found necessary, for the disposal of business or of part-heard cases; but it shall be open to the bench at the close of its regular sitting either to refer unheard cases back to the Magistrate under whose order of reference they received them, or to postpone them to next bench day, as may seem most convenient.

4. The chairman of the bench for the time being shall be the Magistrate of highest powers present at a sitting. Where all present are of equal powers, the bench may elect its own chairman, provided always that it shall be in the discretion of the Magistrate of the District to appoint the chairman for each time of sitting or generally.

5. The chairman shall conduct the proceedings of the Court and exercise all the functions in that behalf usually exercised by a Magistrate when sitting alone. He shall decide upon the admissibility of evidence and maintain order in the Court; but it shall be open to any member of the bench to put any question to the witnesses, either direct or through the chairman as the latter may deem advisable, and to suggest any matter for the chairman's consideration.

6. Each member of the bench shall have a voice in the finding and sentence. In a bench of three or other uneven numbers, the opinion of the majority shall prevail. When the numbers are even, the chairman shall have a casting vote.

7. Any recording of evidence or other function exercisable by the chairman may, with his consent, be exercised by any one of his colleagues.

8. Any part-heard case postponed to a further sitting of the bench may be proceeded with if any member of the bench has been present at the previous hearing in the case, but subject to the provisions of Section 328 of the Code.

9. The bench may refer any point of law for the opinion of the Magistrate of the District or Division, or of any first class Magistrate appointed by the Magistrate of the District for that purpose, and the Magistrate may certify his opinion thereon.

10. When any person is convicted by the casting vote of the chairman, the chairman shall then and there ask him if he wishes to appeal, and if he desires to do, shall forthwith record his appeal in brief and forward the case to the Magistrate, intimating to the person convicted that he may file any grounds of appeal he pleases.

Notification, Calcutta, the 1st January 1873.

2. Magistrates of Districts are generally empowered, under Section 49, to authorize any of their subordinate Magistrates to entertain complaints within their competence arising within certain local limits, and from time to time to vary such orders. **49.**

3. Under Section 48, the Lieutenant-Governor is pleased to authorize all Magistrates of Districts to withdraw from any of their subordinate Magistrates such classes of cases as they may think proper so to withdraw. **48.**

36. 4. Under Section 36, the Deputy Commissioners of the Districts named on the margin are vested with the special powers described in that section. The officers in charge of the Garo Hills, Khasi and Jynteah Hills, Naga Hills, and the Hill Tracts of Chittagong will continue to exercise the powers vested in them by the special rules and orders of Government regarding those districts.

Darjeeling.
Julpigori.
Cachar.
Sonthal Pergunnahs.
Hazareebaugh.
Lohardugga.
Singbhoom.
Maunbhoom.

143. 5. Under Section 143, the Lieutenant-Governor is pleased to vest all Magistrates of the second class with power to commit any person to the Court of Session for any offence triable by such Court.

Goalpara.
Kamroop.
Durrung.
Nowgong.
Seebsagor.
Luckimpore.

6. In each of the districts named on the margin, any two or more of the Honorary Magistrates shown in the schedule below as attached to that district, may sit together as a bench in company with the Magistrate of the District, or any salaried Magistrate subordinate to the Magistrate of the District exercising not less than second class powers, whom the Magistrate of the District may depute for that purpose; and the benches so constituted are hereby severally vested with powers of a first class Magistrate in respect of offences cognizable by Magistrates of that class, and powers of summary trial under Section 224 of the Code in respect of all the offences described in Section 222.

Dinagepore.
Maldah.
Rungpore.
Chittagong.
Tipperah.
Dacca.
Backergunge.
Mymensing.
Shahabad.
Sarun.
224. Tirhoot.
222. Kamroop.

7. Any *one* of the Honorary Magistrates named in the schedule may, under the orders of the Magistrate of the District, sit together with any salaried subordinate Magistrate exercising not less than second class powers to form a bench, and the bench shall, when so constituted, exercise second class powers in respect of offences cognizable by Magistrates of that class, and powers of summary trial under
225. Section 225 in respect of all the offences set out in that section.

8. Benches exercising first and second class powers, as above, shall sit in such places, and try such classes of cases, and within such limits, as the Magistrate of the District may direct, or such particular cases as may be referred to them by an officer empowered to refer cases.

9. In any town within the districts referred to in paragraph 6 above, where there is a municipality, the Lieutenant-Governor is pleased to order that, subject to the general direction of the Magistrate of the District or Division, any two or more of the Honorary Magistrates shown in the district schedule may sit together as a bench for the disposal of municipal and conservancy cases without the assistance of any salaried Magistrate; and such bench shall exercise, in respect of all such cases which they are empowered by the Magistrate of the District to take up, or which are referred to them, third class powers, and shall also exercise powers of summary trial under Section 225, in respect of any offences against Municipal Acts and the conservancy clauses of Police Acts and other offences specified in Section 225.
141. Such Municipal benches are hereby also vested with powers under Sections 141,
518. 518, and 519 of the Code.
519.

88. 10. Under Section 88 the following jails are appointed to be places in which European British subjects may be confined:—

Presidency Jail.	Dacca Jail.
Hazareebaugh Penitentiary.	Darjeeling "
Bhaugulpore Jail.	Chittagong "
Midnapore "	Cuttack "
Rajshahye "	Tezpore "
Cachar "	Patna "

Dinapore lock-up.

13. It is also to be observed that under the provisions of Sections 361 and 362, the Magistrate has now a discretion in regard to the summoning of unnecessary witnesses, and will thus be able to keep cases within reasonable bounds. **361.**

14. The full and formal record of evidence will be confined then to exceptionally heinous and important cases. That being so, the Lieutenant-Governor thinks that the work will be quite manageable, and he does not propose to alter the present rule requiring Magistrates to take down with their own hands any evidence that must be recorded.

15. It is, however, different in regard to Sessions Judges. Except in so far as the enlarged powers of the Magistrates may relieve them of some cases, their procedure is not abbreviated. The Lieutenant-Governor has doubts whether all men are capable of taking down the evidence and conducting the cases efficiently at the same time, when a long trial and succession of trials is carried on from day to day, and from week to week in the Sessions Court. With reference, therefore, to the provisions of Section 335, the Lieutenant-Governor will be willing to consider the application of any overburdened Sessions Judge who may desire to be relieved of the duty of taking the whole evidence in his own hand, and who would prefer to have vernacular record of the evidence taken down by a skilled native writer, the Judge himself making only a memorandum of the substance of the evidence. This, however, will only be possible if a good and quick writer is available to take the evidence down. **335.**

16. In connection with the subject of evidence, it will be observed that Section 126 leaves no doubt of the full power of the Criminal Courts to make use of the Police diaries during a trial. **126.**

High Court, Calcutta.

Where property of an absconding offender had been attached and declared to be at the disposal of Government under Section 172, and the offender was subsequently convicted under Section 174 of the Penal Code, and such conviction was upheld on appeal, held, the High Court had no power to make any order with respect to such property. **172.**

Where an order for the release of the property so attached had been obtained from the High Court on an *ex-parte* application, and on an incorrect statement of facts, the High Court, on the application of the Government, cancelled such order—*Calcutta High Court*, 1872.

Where evidence is clear, and no difficult questions of law arise, the Magistrate need not consult the law officers of the Crown prior to committal, but immediately upon committal, he should inform Solicitor to Government— **197.**

(1) to what Session the prisoner has been committed;

(2) what witnesses have been bound over to appear against the prisoner;

(3) when they may be expected to arrive in Calcutta; and also send precis of the fact of the case, and copy of the charge and committal.

2. As soon as possible after committal, Magistrate should send original depositions and all exhibits, original charge, and copy of warrant of committal to the clerk of the Crown, in whose office they must be filed, and from whom Government solicitor gets copies.

3. Where any special reason for despatch, Magistrate in addition to the above might send copy in English of the depositions direct to Government solicitor.

4. Magistrates to observe dates of sessions, and when witnesses and prisoner cannot arrive for next ensuing to commit to following.

5. When prisoner committed long before Sessions, Magistrate to take particular care that witnesses are sent so as to arrive at latest day before commencement of sessions.

6. Magistrates to be particular in obtaining and sending down evidence that accused is an European British subject. A statement made by himself to that effect is sufficient, but some person who can swear to having heard him make it should be present in the High Court at the time of trial.

7. Witnesses to be sent to Commissioner of Police in Calcutta, who will provide for their expenses, and give necessary information as to attendance in Court.

8. Where points of law arise on which Magistrate wants advice of Counsel, or is doubtful as to sufficiency of evidence, he should, before committal, address Government Solicitor, sending precis of facts of case with statement of difficulties and points calling for advice and with depositions of all witnesses, who up to that time have been examined. Solicitor-General obtaining opinion of Advocate-General will forward it to Magistrate with further observations and instructions that seem necessary.

9. In above case, prisoner to be remanded long enough to enable Magistrates to receive answer from Government Solicitor, and prisoner to be remanded from time to time as occasion arises, but no further delay than is unavoidable to be made.

10. Magistrates should not increase bulk of depositions by recording hearsay and inadmissible evidence.

236. *The 21st January* 1873.—In trials by jury before the Court of Session, in which a European (not being a European British subject) or an American is the accused person or one of the accused persons, the jury shall consist of five persons in the districts named in the subjoined list A, and of three persons in the districts named in list B.

LIST A.

Burdwan.	Patna.
Midnapore.	Shahabad.
Hooghly.	Tirhoot.
Howrah.	Sarun and Chumparun.
24-Pergunnahs.	Monghyr.
Moorshedabad.	Bhaugulpore.
Dacca.	Cuttack.

LIST B.

Bancoorah.	Noakhally.
Beerbhoom.	Tipperah.
Nuddea.	Gya.
Jessore.	Purneah.
Dinagepore.	Sonthal Pergunnahs.
Maldah.	Pooree.
Rajshahye.	Balasore.
Rungpore.	Hazareebaugh.
Bograh.	Lohardugga.
Pubna.	Singbhoom.
Darjeeling.	Maunbhoom.
Julpigoree.	Goalparah.
Furreedpore.	Kamroop.
Backergunge.	Durrung.
Mymensing.	Nowgong.
Sylhet.	Seebsaugor.
Cachar.	Luckimpore.
Chittagong.	

295, &c. When cause is shown, it is the Magistrate's duty to enquire whether there is a thoroughfare within the meaning of the section, and whether there is an obstruction. In entering upon that enquiry he is acting within his jurisdiction. If during such enquiry he decides any point of law erroneously, the case may be taken up by the High Court under Section 296, but if there is evidence before him, and he decides

upon it, although his decision upon the evidence may be an erroneous one, yet if there is no error in law, the case does not fall within Section 296; nor is an erroneous decision upon the evidence an excess of jurisdiction which would enable the Court to interfere under its general power of superintendence.

The case of *Queen* v. *Bolton* may be usefully quoted *à propos* of the above.

There an order had been made by Magistrates under an Act of Parliament, which gave power to them, in certain cases, to make orders for giving up possession of land to the church wardens and overseers of a Parish, and the case being brought before the Court of Queen's Bench by a *certiorari*, Lord Denman, in his judgment, having stated that there were two points made,—first, that the proceedings all being regular upon the face of them, and disclosing a case within the jurisdiction of the Magistrates, the Court could not look at affidavits for the purpose of impeaching their decision; and the second that, even if the affidavits were looked at, the case would be found to be one of conflicting evidence, in which there was much to support the conclusion to which the Magistrates had come,—says:—"The first of these is a point of much importance, because of very general application, but the principle on which it turns is very simple: the difficulty is always found in applying it. The case to be supposed is one like the present, in which the Legislature has trusted the original, it may be (as here) the final, jurisdiction on the merits to the Magistrates below; in which this Court has no jurisdiction as to the merits either originally or on appeal. All that we can then do, when their decision is complained of, is to see that the case was one within their jurisdiction, and that their proceedings on the face of them are regular and according to law. Even if their decision should upon the merits be unwise or unjust, on these grounds we cannot reverse it." And then, in the subsequent paragraph, with regard to the objection of want of jurisdiction, he says:—"But where a charge has been well laid before a Magistrate, on its face bringing itself within his jurisdiction, he is bound to commence the enquiry: in so doing he undoubtedly acts within his jurisdiction: but in the course of the enquiry, evidence being offered for and against the charge, the proper, or it may be the irresistible, conclusion to be drawn, may be that the offence has not been committed, and so that the case in one sense was not within the jurisdiction Now to receive affidavits for the purpose of showing this is clearly in effect to show that the Magistrate's decision was wrong if he affirms the charge, and not to show that he acted without jurisdiction: for they would admit that, in every stage of the enquiry up to the conclusion, he could not but have proceeded, and that if he had come to a different conclusion, his judgment of acquittal would have been a binding judgment, and barred another proceeding for the same offence. Upon principle, therefore, affidavits cannot be received under such circumstances. The question of jurisdiction does not depend on the truth or falsehood of the charge, but upon its nature; it is determinable on the commencement, not at the conclusion, of the enquiry: and affidavits to be receivable must be directed to what appears at the former stage, and not to the facts disclosed in the progress of the enquiry."

Here, if the Magistrate has come to a wrong conclusion upon the evidence, it does not affect his jurisdiction. He had jurisdiction to enquire, and if there was, as, in this case, evidence before him, he cannot be said to have exceeded his jurisdiction, although his conclusion may not be the conclusion that ought, in the opinion of the Sessions Judge or of us to be drawn from the evidence. The Magistrate had to decide whether there was a thoroughfare, and whether there was an obstruction: it was not necessary to determine what is meant by thoroughfare, whether a public way along which all persons have a right to pass and repasss, or a way along which only some persons have a right to pass and repass. In either case, there was evidence upon which the Magistrate might find that there was a thoroughfare. There was evidence, especially what Mr. Lowe referred to, *viz.*, the statements of the parties themselves, that it was a public thoroughfare, and there certainly was abundant evidence that it was a way which was used by a considerable number of persons. The Magistrate, therefore, had evidence before him; and there has not

been in this case either an erroneous decision upon a point of law, or an acting without jurisdiction or in excess of jurisdiction—*Angelo* v. *Cargill*, 24*th August* 1872.

307. The only books to be kept are fine register (Form A) and fine balance statement.

2. In every sudder or subdivisional office, Court-Inspector or Sub-inspector to keep form A, and to enter in consecutive monthly series all fines imposed by magisterial officers of the station, or by Sessions Judges, and High Court, transferred to Magistrate for realization. In each Court one mohurrir to be specially charged with looking after fines and other sentences.

3. On offender being sentenced by the Magistrate, a small printed form to be at once filed in and sent with prisoner in a constable's charge to Court Inspector.

4. The above form to be bound like a cheque-book, the outer half to be torn off and sent with convicted person to Court-Inspector's office, and the other half kept in Magistrate's office. They are to be numbered consecutively. The form to be always used by the Magistrate whether the fine be imposed by him or by Sessions or High Court; the counterpart will enable fine mohurrir to check easily Court-Inspector's books.

5. If fine be one under the Penal Code, Court-Inspector will make necessary entries in his fine register, and call upon the prisoner to pay the amount. This paid, the necessary entries should be made, and the payer released, if sentence one of fine only. If fine be only paid in part, entries will be made, prisoner released and application made by Court-Inspector for warrant for the realization of the balance to the Court which passed the sentence; and if not paid at all, for a warrant for realization of the whole amount. No person not also under sentence of imprisonment shall be detained by Court-Inspector because of inability to pay the fine. Where the sentence is one of fine, and imprisonment in default of payment, if fine not wholly paid at once, the Court-Inspector shall report to Court which imposed the sentence, and take its written orders as to proportional term of imprisonment still left to undergo. Section 69, Penal Code.

6. Receipt to be granted to person paying a fine by person to whom it is paid.

7. Further payments made during currency of imprisonment must at once be reported to Magistrate by Court-Inspector with view to release of prisoner, or further amendment of sentence.

8. Where under special or local law imprisonment in default is to be taken as full satisfaction of the penalty, if the convicted person elect to undergo the imprisonment, Court-Inspector must bring him at once before the Court imposing the sentence. The Court shall certify to fact of the election, and the fine, if entered, struck out of Court-Inspector's books. The above direction not to interfere with any special direction of law as to attempted realization of fine by distress, &c., before imprisonment of offender.

9. If warrant for realization comes from a Court not under control of Magistrate of district, the fine shall be entered in register and treated as one for which realization-warrant has issued. If from Sessions Court, prefix to entry the letter S in red ink: if from High Court, the letters HC.

10. Fines received by Court-Inspector to be paid in daily to treasury. Detail challan and fine register should be sent with them. Treasury mohurrir, after comparing entries in both, will put his initials to each item in the register.

11. Challan receipted by treasury officers will be filed by Court-Inspector as his acquittance.

12. Fine mohurrir of each Court to examine daily Court-Inspector's register, see that each entry is correctly made, and initial the same; also to see warrants prepared speedily. Fine mohurrir of principal Court (at sudder station, Magistrate's own Court, at subdivision, subdivisional officer's) to check Court-Inspector's monthly statement and totals in cash columns of register. Magistrate to examine fine register daily, check and initial his own fines, see that warrants are issued or remittances paid in and acknowledged at once.

13. Magistrate of District or subdivisional officer to inspect register from time to time, watch the action of his subordinates, and check Court-Inspector's totals at close of each month.

14. When any fine or part of fine is remitted in any month subsequent to its imposition whether from appeal or otherwise, or becomes irrecoverable from lapse of six years from date of sentence or imprisonment* having been suffered in lieu of fine, it shall be entered in the register in red ink under the month in which it is so remitted or lapses, and the amount remitted or lapsing shown in column 8. If remitted or lapsing in the same month, the entry will be in black ink opposite the original entry.

15. If fine not wholly or partly realized in same month as imposed, whole or any outstanding balance to be entered in red ink under the month in which any part of it is realized, a reference being made in remarks column to months and numbers of previous entries; similarly, all subsequent entries should be noted in remarks column against original entry. Subsequent realization in same month as imposition appear in black ink in proper columns against original entry, total being struck in body of page.

16. Totals of red and black entries in columns 6, 8, 12, 13, 14 at close of month to be found separately and together on each page, and carried thus to end of month, but no further, *e. g.* :—

Total of black entries	...	...	...	22	0 0
Ditto of red ditto	...	...	...	10	0 0
		Grand total	...	32	0 0

17. Court expenses must be paid by Inspector from special advances, and *never* from realized fines in his hands: the accounts to be kept quite separate. Refunds of fines made by treasury officers on order of Magistrate.

18. If all or part of fine directed to be paid to complainant as compensation, this fact and amount awarded must be noted in red ink in remarks column of register, but after Court-Inspector reports realization of fine, it is paid by treasury officer on Magistrate's orders. Fines under Section 209, C. P. C., to be treated as if imposed in case instituted on complaint by original defendant.

19. In non-appealable cases, should Court-Inspector report that fine or amount of award under Section 209, C. P. C., has been paid to him before the parties leave the Court, Magistrate may direct payment to be made to person entitled thereto from Inspector's permanent advance, the payment being afterwards adjusted at treasury against fines account as though originally disbursed there. In all other cases, Rule 18 will be followed.

20. In subdivisions where there is no subdivisional treasury and fine collections remain in Court-Inspector's hands till the close of the month, payment of compensation, where it can be legally given, may be made by Court-Inspector on Magistrate's order in any case where fine has not formed item in challan to district treasury. Where fine has been challaned, Magistrate may order payment of compensation from his permanent advance, adjusting it afterwards as prescribed in rule 19. In these subdivisions, column 14 of Regulation A should be subdivided to show separately amounts paid by Court-Inspector as compensation out of realized fines and amounts remitted to treasury.

21. Monthly balance-sheet to be prepared in book kept for the purpose, showing—

Grand balance of fines outstanding ... ...
Amount imposed during the month ... ...
Total of black entries in column 6 ... ...
Grand total realizable ... ...
Amount remitted on appeal, &c., or written off by Commissioner's order, *i.e.*, grand total of column 8 ...
Amount realized of—
New fines, *i.e.*, totals of black ink entries in column 12
Old fines, *i.e.*, ditto of red ditto ...
Grand total of column 12 ...

* This can only be in compensation cases and cases under a special or local law.

Balance of—
New fines, *i.e.*, total of black ink entries in column 13
Old fines, *i.e.*, ditto of red ditto ...
Grand Total of column 13 ...

Certified that the total of the above realized fines has been brought to credit in the treasurry accounts.

Magistrate.

(Sd.) Treasury Officer.
" Court Inspector.
" Fine Mohurrir.

22. Copy of each subdivisional balance-sheet to be sent to District Magistrate within two days after end of month by which time that of sudder station should also be ready.

23. General district balance-sheet to be sent to Commissioner within ten days after end of month.

24. At each thannah a register in Form B to be kept of all warrants received for realization of fine within its jurisdiction. Whenever a balance left unrealized, Police to institute periodical inquiries as to acquisition of property by defaulter. Fact of making and result of enquiries to be entered in remark column once a quarter.

25. Enquiries in first instance not to be made in formal or official manner, but officer in charge of Police station visiting villages or receiving reports from Rural Police to enquire from time to time verbally as to position and occupation of each defaulter in his jurisdiction; if apparently defaulter can pay amount of outstanding fine, Police to report the fact to Magistrate for issue of warrant; otherwise merely to notice "no assets" in remark column dating the entry.

26. Magistrate in every case to exercise sound discretion before issue or refusal of warrants, and may, if necessary, direct local enquiry by superior officer of Police.

27. Head constable may make enquiries directed in 24, 25, and 26, but under immediate order and supervision of his superior officer; when so employed, he should receive precise instructions as to cases to be enquired into and mode of enquiry.

28. Warrants of this description subsequent to first to be entered in red ink in thannah register, but treated as a fresh entry, reference being made in remark column to number and date of original warrant.

29. On death of defaulter one formal and final enquiry should be made as to whether he has left any property liable for the fine.

30. All fines realized to be remitted with returned warrant to Court-Inspector at once.

31. Magistrate to call for thannah register and compare it with Court Inspector's once a quarter; also to note whether police enquiry has been regularly made and properly recorded.

32. Commissioner, on his annual tour of inspection, or such other times as may seem fit, to examine fine register, and give orders for writing off all fines which, in consequence of death of defaulter, or its having been ascertained after enquiry that there are no assets, may be irrecoverable.

A.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Consecutive No. in Month.	No. of Case.	Name of Officer imposing.	Name and Place of Residence of Offender and Offence.	Date of Sentence.	Amount of Fine.	Imprisonment in Default.	Amount remitted or written off.	Date of Issue of Warrant.	Tilannah to which issued.	Date of Return of Warrant.	Amount realized and Date of Realization.	Balance.	Amount paid into Treasury and Date of Payment.	Signature of Treasurer.	Signature of Court-Inspector.	Signature of Fino Mohurrir.	Signature of Magistrate.	REMARKS.

B.

1	2	3	4	5	6	7	8	9	10	11	12
Consecutive No. in Year.	No. of Warrant.	Officer issuing.	Name and Place of Residence of Offender and Offence, and Date of Sentence.	Amount for which War-rant is issued.	Date of War-rant.	Date of its Re-ceipt.	Date of its Re-turn to Head-quarters.	Amount realiz-ed and remit-ted.	Date of Remit-tance.	Balance of Fine Outstanding.	REMARKS.

491. An order to execute a second recognizance while the first is in force is illegal—*Kumodinikant Banerjee*, 29*th August* 1872.

491. A Magistrate is not justified in increasing the amount of security and in demanding sureties on a summons which provided only for a recognizance of much smaller amount, and made no mention of sureties at all. The Magistrate should have issued a fresh summons setting forth the full amount, &c., intended to be taken—*Isri Pershad Sing*, 13*th November* 1872.

An order by a Magistrate prohibiting the straying of cattle within certain local
518. limits is not an order within the meaning of Section 518—*Mozaffar Kholefa*, 26*th July* 1872.

The possession of a master by his servant, of a landlord by his immediate tenant, the person who pays his rent to him, of the person who has the property in the land by the usufructuary, come within the meaning of the words "actual possession" in
530. Section 530. Their meaning is not limited to bodily possession. But a person is not in "actual possession" where the rents are paid by the actual occupier, not to him, but to an intermediate holder.

To make a proceeding under Section 530 proper and valid, the Magistrate should be satisfied that a dispute exists, and should record the grounds of his being so satisfied. There is nothing which defines upon what grounds he shall be so satisfied, or limits him to being satisfied by evidence given before him.

If a Magistrate is satisfied that the circumstance of the case require it, he may make an order under Section 530, notwithstanding that he has taken recognizance under Section 491— *J. D. Sutherland*, 3*rd June* 1872.

Notices under Section 530 need only be served upon parties concerned in a dispute, not upon all the co-sharers in the estate which may form the subject of the litigation. A Magistrate is allowed discretion, and is not bound to postpone a case for witnesses when the petition for their summons is filed at the last moment.—*Gabinda Chandra Ghose*, 17*th September* 1872.

It is quite within the power of a Magistrate to *modify* the enjoyment of a right of property, at least for a temporary period, by imposing upon the owner of the property such conditions as the Magistrate, after taking into consideration all the facts and surrounding circumstances of each particular case, shall consider necessary to prevent a riot or an affray. Every individual right is, to a certain extent, subject to the general interest of society, and the Legislature has purposely vested the Magistrate with powers sufficient to cover a case like that mentioned in the order of reference—*Bykonto Ram Heat Roy*, 18 *W. R.*, 47.

Magistrates are bound to pass proper order upon application for summons of witnesses in a case under Section 530.

North-Western Provinces Orders, &c., dated the 8*th January* 1873.

By Section 42 of the Criminal Procedure Code (Act X of 1872), the Lieutenant-Governor is pleased to confer on the following officers of the Jail Department, and any other officers who may hereafter be appointed to hold the posts specified, the powers of special Magistrates under the above section, and in regard to offences generally, to be exercised within the limits stated in this notification:—

The Inspector-General of Prisons, with the powers of a Magistrate of the first class, within the precincts of every jail in the North-Western Provinces, and within the grounds attached thereto, and with the following additional powers under Section
27. 27 of the Code:—

(1) Power to entertain complaints of offences and receive Police reports.
(2) Power to entertain cases without complaint.
(3) Power to try summarily.

The Superintendent of the Meerut Central Prison and District Jail;
The Superintendent of the Bareilly Central Prison and District Jail;
The Superintendent of the Futtehgurh Central Prison and District Jail;
The Superintendent of the Agra Central Prison and District Jail;
The Superintendent of the Allahabad Central Prison and District Jail;

The Superintendent of the Benares Central Prison and District Jail;
The Superintendent of the Goruckpore District Jail;
The Superintendent of the Ghazeepore District Jail;
The Superintendent of the Allygurh District Jail;

With the powers of Magistrates of the second class within the jail grounds, whether within or without the walls of the prisons, and with the following additional powers under Section 25 of the Code:— 25.

(1) Power to hold inquests.

(2) Power to entertain complaints and receive Police reports in cases in which they have jurisdiction to try or to commit for trial.

(3) Power to entertain without complaint cases in which they have jurisdiction to try or to commit for trial.

(4) Power to commit for trial.

General Notification.—J. C. Department.

No. 1A.—All Sessions Judges and Magistrates now standing appointed under Act XXV of 1861, Act XIX of 1871, or any other law or regulation heretofore in force, shall, from and after this date, in accordance with Section 10 of Act X of 1872 (the Criminal Procedure Code), be deemed to have been so appointed to their present powers and charges under the Act last quoted. 10.

All existing Magistrates of Districts shall, from and after this date, be deemed to have been appointed to their present charges under Section 35 of Act X of 1872, and shall exercise all the powers conferred upon Magistrates of the District under that Act. 35.

All existing Magistrates, who not being Magistrates of the District, exercise the powers of such as defined in Section 22 of Act XXV of 1861, by the appointment of the Local Government under Section 23 of that Act, shall, from and after this date, under Section 2 of Act X of 1872, be deemed to be Magistrates of the first class, and shall be held to have been appointed under Section 37 of the last quoted Act to the districts to which they now stand appointed under any law or regulation heretofore in force. 23.

All existing subordinate Magistrates of the first class, who exercise those powers by the appointment of the Local Government, under Section 23 of Act XXV of 1861, shall, from and after this date, be held to be Magistrates of the second class under Act X of 1872, and to be appointed under Section 37 of that Act to the districts to which they now stand appointed.

All existing subordinate Magistrates of the second class, who exercise those powers by the appointment of the Local Government, under Section 23 of Act XXV of 1861, shall, from and after this date, be held to be Magistrates of the third class, under Act X of 1872, and to be appointed under Section 37 of that Act to the districts to which they now stand appointed.

2. Under Section 36 of Act X of 1872 (the Criminal Procedure Code), the Lieutenant-Governor is pleased to invest all Deputy Commissioners in the districts of the Jhansie Division, with power to try as a Magistrate all offences not punishable with death, and to pass sentence of imprisonment for a term not exceeding seven years, including such solitary confinement as is authorized by law, or of fine, or of whipping, or any combination of these punishments authorized by law. 36.

3. Under Section 48 of the Criminal Procedure Code (Act X of 1872), the Lieutenant-Governor is pleased to invest all Magistrates of Districts now standing appointed, or who may hereafter be appointed, with authority to withdraw from the Magistrates subordinate to them, whether in charge of division of districts or not, such classes of cases as they may think proper. 48.

4. Under Section 49 of the above Act, the Lieutenant-Governor is pleased to invest all Magistrates of Districts in these provinces generally now standing appointed, or who may hereafter be appointed, with power to authorize any Magistrates subordinate to them to entertain complaints arising within certain local limits, and from time to time to vary such orders. 49.

Circular Order, High Court, N. W. P., No. 1 of 1873.

271. Sessions Judges should always record that they have inquired, in cases where a person is sentenced to death, whether the convict desires to appeal against the order, and that they have informed him that the appeal must be made within seven days.

No. 542A of 1873.

57. The Government Advocate to be public prosecutor for all criminal cases coming before the High Court, N. W. P.

303. Warrants of commitment should bear the same date as that on which sentence is passed on convicted persons—*Cir. Order* 1 *of* 1873.

Punjab, Home Department, dated the 27th January 1873.

No. 314.—Under the provisions of Act X of 1872 (Criminal Procedure Code)—

1. All Magistrates of Districts (now standing appointed or who may be hereafter appointed) are hereby invested with the following powers:—

48. *Section* 48.—Power to withdraw classes of cases from the Magistrates subordinate to them.

49. *Section* 49.—Power to distribute business by localities among the Magistrates subordinate to them.

2. All senior officers at head-quarter stations, under the Magistrate of the District, who are Magistrates of the first class (now standing appointed or who may be hereafter appointed) are hereby invested with the following powers:—

142. *Section* 142.—Power to entertain cases without complaint.

But this power shall be only exercisable by them when the Magistrate of the District is absent from head-quarters.

157. *Section* 157.—Power to issue process for person within jurisdiction who has committed an offence outside the Magistrate's local jurisdiction.

417. *Section* 417.—Power to sell suspicious or stolen property.

521. *Section* 521.—Power to make orders, &c., in local nuisance cases.

For the purposes noted in this paragraph, the Senior Assistant Commissioner, being a first class Magistrate, shall be deemed to be the senior officer under the Magistrate. If there be no Assistant Commissioner who is a first class Magistrate, the senior Extra Assistant Commissioner, being a first class Magistrate, shall be deemed to be the senior officer under the Magistrate.

3. All Magistrates of the second class (now standing appointed or who may
143. be hereafter appointed) are invested under Section 143 with power to commit for trial.

4. The powers referred to in—

44. *Section* 44.—Power to make over cases taken upon complaint to a Subordinate Magistrate.

223. *Section* 223.—Power of summary trial.

266 *Section* 266.—Power to hear appeals from convictions by Magistrates of second and third class—

will only be conferred on officers upon special application of Commissioners, who are hereby directed, in consultation with Deputy Commissioner, to submit a report through the Chief Court, showing what officers in their several divisions should be so empowered.

5. The Lieutenant-Governor refrains from investing subordinate Magistrates with any powers which the Magistrate of the District is competent to confer, but directs that all cases in which Magistrates of Districts confer powers on their subordinates be reported for information to the Chief Court.

236. 6. Under Section 236, juries, in trials by jury before the Court of Session, shall consist of nine persons in the disitrcts of—

Lahore,	Ráwalpindi,
Dehli,	Pesháwar;

of five in the districts of—

Ambálah,
Multán and
Sialkot;

and of three persons in all other districts of the Punjab.

7. Under Section 88, the following places are appointed as places of imprisonment for European British subjects:—

Lahore Central Jail and the District Jails of Peshâwar, Râwalpindi, Multân, Ambalah, and Dehli. **88.**

8. Under Section 235, it is ordered that throughout the province in the trial of offences punishable with death by Courts of Session, and in all trials by Native Magistrates, the evidence of complainants and witnesses shall be taken down by the presiding Judge himself in his own vernacular language, provided that if the vernacular language of the presiding Judge is not English or the language in ordinary use in the district in which the Court is held, such Judge may take down the evidence in English or in the language in ordinary use in the district in which the Court is held instead of in his own vernacular, if he be sufficiently acquainted with either of these languages. **235.**

9. With reference to the provisions of Section 302, that persons sentenced to whipping be forwarded for execution of the sentence to the officer in charge of the jail, and of Section 311, that the punishment of whipping be inflicted in the presence of a Magistrate, all Superintendents of Jails are invested with powers of a Magistrate of the third class, with a view to sentences of whipping being executed in their presence. **302. 311.**

No. 912 *of* 1873, *the* 1*st day of January* 1873.

Every Magistrate exercising the full powers of a Magistrate will exercise the powers of a Magistrate of the first class. Every Magistrate exercising until such date the powers of a Subordinate Magistrate of the first class will thenceforth exercise the powers of a Magistrate of the second class. Every Magistrate exercising until such date the powers of Subordinate Magistrate of the second class will thenceforth exercise the powers of a Magistrate of the third class.

II.—Every Magistrate with full powers, and every Subordinate Magistrate of the first class invested before such date with jurisdiction in a division of a district under Section 23 of Act XXV of 1861, will therein exercise the powers of a Magistrate of a division of a district, subject to the control of the Magistrate of the district, in conformity with Section 40 of Act X of 1872. **40.**

III.—Any two or more persons authorized to exercise all or any of the powers of a Magistrate, who, until the 1st January 1873, acted together under Act XXVIII of 1867, in the cities of Lahore, Jálandhar, Amritsar, Dehli, Gujrânwala, Dera Ismail Khan and Batála, may sit together as a bench, and such bench is hereby invested with the powers of a Magistrate of the second class, with power to try summarily all or any of the following offences:— **50.**

Offences coming within Sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 334, 336, 341, 352, 426 and 447 of the Indian Penal Code; any offences against Municipal Acts and the conservancy clauses of Police Acts punishable with fine or with imprisonment not exceeding one month.

IV.—Every Magistrate who until such date exercised the powers prescribed in Sections 445A and B of the Code of Criminal Procedure shall have power to try, as a Magistrate, all offences not punishable with death, and to pass sentence in conformity with Section 36 of Act X of 1872. **36.**

V.—Every person exercising all or any of the powers of a Magistrate or of a Subordinate Magistrate of the first or second class until the 1st of January 1873, with a view to their exercise by him under any special or local law, and every person hitherto exercising such powers within the limits of certain Jagir lands and parts of

districts other than divisions of districts, will exercise the powers of a Magistrate of the first, second or third classs, according as he has already exercised powers corresponding thereto, as set forth in the first paragraph of this Notification.

Chief Court Book Circular No. IV.—204 *of* 1873.

271. With reference to Section 271 of the Criminal Procedure Code, Commissioners shall, in all such cases, explain to the condemned man that he must file his appeal in the Sessions Court within that period. When an appeal does not accompany the record of the case submitted for confirmation of the sentence of death, Commissioners should certify that no appeal has been filed within the prescribed period, notwithstanding the law having been explained to the accused.

Book Circular No. V.—285, *dated Lahore, the 4th February* 1873.

62. 279. With reference to Sections 62 and 279 of the Criminal Procedure Code (Act X of 1872), the Chief Court directs that the fact that the public prosecutor appeared in any case shall be distinctly noted at the head of the judgment in such case. When an appeal is filed in the Chief Court in such case, the Court, together with the precept calling for the files and intimating the date fixed for hearing the appeal, will forward a copy of the grounds of appeal for the public prosecutor. It will be the duty of the Deputy Commissioner to inform the public prosecutor of the date fixed, and forward to him the copy of the grounds of appeal supplied by this Court.

2. The same procedure should be adopted in all Commissioners' Courts, when appeals in such cases are filed in their Courts.

Oudh Orders.

These have mostly been incorporated under the several sections to which they belong.

464. 8. All Magistrates are warned that under Section 464 of the Code a copy of the judgment in his own language must be tendered to the person convicted.

421. 9. With reference to the rules contained in paragraph 115 of the preface,* it is to be noted—that Police officers above the rank of head constables, who are entitled to their actual expenses while on special duty beyond their districts, are not also entitled to the diet-money allowed them when appearing as witnesses. When Police officers are sent into districts other than their own as witnesses, the Police Department will recover the sum disbursed on account of their actual expenses from their Judicial Department.

10. The following addition should be made to Rule I under paragraph 115. "But in cases in which the attendance of accused persons is obtained by a summons, the parties should be required to produce their own witnesses."

307. 11. The following addition should be made to the Rules in regard to the realization of fines as given in paragraph 81.† "A copy of the list of all articles sold in execution of a warrant or order of a Magistrate's Court, with the amount realized and charges incurred, should be prepared by the Police and filed in the Magistrates' file of the case."

Bk. C. XX of 1872.

PROFESSIONAL CRIME.

In the Punjab, a brief account of each case of professional crime is to be written by the District Superintendent as soon after its occurrence as possible, and not to be delayed until prosecution of the offender is over. Each narrative should, as far as possible, contain a description of the actual or supposed offenders.—*Cir.* 12 *of* 1869.

* See p. 336. † See p. 260.

By Police Circular Memorandum 265 of 1867, District Superintendents are to request Deputy Commissioners to forward for inspection of the Inspector-General of Police the misls of all cases of dacoitee, thuggee, coining, professional swindling and poisoning for plunder, when the trials are completed—Book Cir. XIV of 1865, Jud. Com., Panj., orders the above request to be complied with.

PRUNING TREES, N. W. P.

1171 OF 1871.

2. The lopping off of branches by the sides of roads in stations should be in the hands of the Magistrate, who, however, as respects Public Works Department roads, would not make any extensive pruning but in communication with the Executive Engineer. The limits of such control might be for half a mile or so about the station.

3. It is extremely necessary that all limbs and branches that bend low enough to interfere with a rider passing under them should be cut down, as the most dangerous accidents have been known to occur from them; but consistently with this, and with due thinning of the trees, as little interference with the growth should be allowed as possible,—as a rule, the more shade the better.

QUARTERLY STATEMENTS, PANJAB.

BOOK CIRCULAR NO. XI.—2904 OF 1872.

3. Commissioners and Deputy Commissioners are primarily responsible for seeing that the civil and criminal work of their divisions and districts respectively is regularly disposed of; and the fact that the returns of such work come under the inspection of the Chief Court can in no way be held to relieve them of the responsibility of close and careful supervision, which is the main safeguard of the efficiency of the Subordinate Courts.

4. Deputy Commissioners are accordingly enjoined to scrutinize the statements of their districts as they come before them, to remark upon anything that strikes them as irregular or unsatisfactory, and to take immediate steps to correct what is amiss. A note of their remarks and of the action taken by them will be forwarded with the statement to the Commissioner's Office.

5. Commissioners will carefully review the statements of each district, will observe the comments made and action taken by the Deputy Commissioner, and will notice and take measures to correct any points that have been passed over by the latter.

6. The returns, with the Deputy Commissioner's and Commissioner's remarks showing the corrective measures taken by each, will then be forwarded to the Chief Court, and if the duty of these officers has been properly carried out no room will remain for remark or questions on part of the Judges.

7. The Chief Court are convinced that the enforcement of this system, while it will in the long run result in a diminution of labor, will be far more effectual in checking carelessness, dilatoriness and defects of procedure than the present plan, by which the comments of the Chief Court reach the person concerned a month or two after the occasion which called them forth has passed.

RAILWAY.

ACTS XVIII OF 1854 AND XXV OF 1871.

I. For the purposes of this Act, 'Railway' includes land within the fences or other boundary marks prescribed under section twenty-one, and all lines of rail, sidings, or branches, worked over by locomotive engines for the purposes of, or in connection with, a Railway; also all stations, or offices, warehouses, fixed machinery, and other works constructed, or being constructed, for the purposes of, or in connection with, a Railway.

No person shall enter any carriage used on any such Railway* for the purpose of travelling therein, without having first paid his fare, and obtained a ticket. Every person desirous of travelling on such Railway shall, upon payment of his fare, be furnished with a ticket, specifying the class of carriage and the distance for which the fare has been paid, and shall, when required, show his ticket to any servant of any said Company duly authorized to examine the same, and shall deliver up such ticket, upon demand, to any of the Company's servants duly authorized to collect tickets.

XIII. The owner or person having the care of any goods which shall have been carried upon any such Railway* or shall be brought on to the premises of any such Railway Company for the purpose of being carried on the Railway, shall, on demand by any servants of the Company appointed to receive goods to be carried on that part of the Railway on which such goods shall have been carried, or shall be about to be carried, deliver to such servant an exact account in writing signed by him of the number or quantity and description of such goods.

XV. No person shall carry upon any such Railway* any dangerous goods, or be entitled to require any such Railway Company to carry upon such Railway any luggage or goods which, in the judgment of the Company or any of their servants, shall be of a dangerous nature: and it shall be lawful for any such Company* or any of their servants, to refuse to carry any luggage or parcel that they may suspect to contain goods of a dangerous nature, and to require the same to be opened to ascertain the fact previously to carrying the same; and in case any such luggage or parcel shall be received by the Company for the purpose of being carried on the Railway, it shall be lawful for the Company or any of their servants to stop the transit thereof until they shall be satisfied as to the contents of the baggage or parcel.

XVIII. The word "cattle" shall have the meaning attached to it in the Cattle Trespass Act, 1871, and the expression "public road" in sections 11 and 26 of the said Act shall be deemed to include a Railway. Any person employed on a Railway may exercise the power of seizure provided by the said Section 11.

XIX. If the Railway* cross any public carriage road on a level, the Railway Company shall erect, and at all times maintain good and efficient, gates, either across the Railway or across the road on each side of the Railway where the same shall communicate with the road, and shall employ proper persons to open and shut such gates; if such gates be across the road, they shall be kept constantly closed, except during the time when horses, cattle, carts, or carriages passing along the same shall have to cross the Railway, and the gates shall be of such dimensions and so constructed as when closed to fence in the Railway, and prevent cattle or horses passing along the road from entering upon the Railway. If the gates be across the Railway they shall be kept closed, except when engines or carriages passing along the Railway shall have occasion to cross the road, and shall be of such dimensions and so constructed as when open to fence in the Railway, and prevent cattle, carriage, or passenger from entering upon the Railway. Provided that it shall be lawful for the Local Government in any case to order that the gates shall be across the Railway as the Government may think fit, and in such case the gates shall be erected, maintained, and closed accordingly. If any Railway Company shall wilfully fail to comply

* *i.e.*, to which this Act extends. See also Act XIII of 1870, p. 1152.

with the provision of this Section, they shall forfeit a sum not exceeding two hundred rupees for each offence, and any Magistrate or Justice of the Peace may, in case any such gates be not erected or maintained, order the Company to erect and maintain the same within a time to be specified in the order, and in case of wilful failure on the part of the Railway Company* to comply with such order, they shall be liable to a fine not exceeding two hundred rupees for every day that they shall wilfully fail so to do.

XX. Fines imposed under this or the preceding section may be recovered in the manner provided by Section twenty-five of the said Act.

XXI. The Governor-General in Council, or the Local Government with the sanction of the Governor-General in Council, shall make rules, and may, in like manner, from time to time, vary the same, for the provision of boundary marks or fences for any railway or any part thereof and for roads constructed in connection therewith, and of gates or bars at places where any railway crosses a road on the level, and for the employment of persons to open and shut such gates or bars;

and may by such rules determine what kind of fences shall, for the purposes of Sections nineteen and twenty, be deemed to be suitable for the exclusion of cattle.

XXIV. If any person shall commit any offence hereby made punishable by fine, and the name and address of such person shall be unknown, or there be reason to believe that the offender will abscond, any officer,* or servant of the Company, or any Police officer, or other person whom such officer* or servant may call to his aid, may, without any warrant or written authority, lawfully apprehend and detain such offender until he can be taken before a Magistrate or other officer having jurisdiction over the offence, or shall give sufficient security for his appearance before such Magistrate or other officer, or shall be otherwise discharged by due course of law.

XXVII. Every Railway Company* or, in the case of a railway not managed by a Company, the officer for the time being entrusted with the control of such railway, shall make general rules and regulations for the use, working, and general administration of the railway, and may, in like manner, from time to time, vary the same.

All such general rules and regulations or variations thereof shall be submitted to the Governor-General in Council for sanction, and, when sanctioned, shall be published in the *Gazette of India*, and shall be otherwise notified to the public and to the officers and persons employed upon such railway in such a manner as the Governor-General in Council shall from time to time direct.

Any such rule or regulation may contain a provision that any person committing a breach of it shall be liable to a fine not exceeding fifty rupees, or, in default of payment of such fine, to imprisonment of either description for a term which may extend to two months.

The Governor-General in Council may at any time cancel any rule or regulation so sanctioned.

Any Justice of the Peace may try an European British subject for an offence under this section, and on conviction award a sentence within the limits thereby prescribed for such offence.

XXIX. In the construction of this Act,* every officer and servant of such Railway Company shall be deemed to be legally bound to do every thing necessary for, or conducive to, the safety of the public, which he shall be required to do by any Regulation which shall be made by the Company, and allowed by the Governor-General of India in Council, and of which Regulation* such officer or servant shall have notice; and every such officer* and servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger, and which by any such Regulation he shall be prohibited from doing; and every person employed by or on behalf of such Railway* Company to do any act upon the railway, shall be deemed to be a servant* of the Company.†

XXX. Any person, whether a European British subject or not; who shall be

* See Act XIII of 1870, s. 3, p. 1152.

† All such are public servants within the meaning of ss. 161-165, Penal Code, pp. 459—463.

guilty of any offence, for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the presidency towns of Calcutta, Madras, and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers* of a Magistrate, whether the offence shall have been committed within the local limits of the jurisdiction of such officer or not, and any person hereby made punishable by a Justice of the Peace, shall be punishable upon summary conviction.

XXXI. No conviction, order or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, or order, or judgment shall be aided by what so appears in such depositions.

XXXII. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases depated to such Assistants or Deputy Magistrate, acting judicially.

XXXIII. The Local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

XXXIV. All fines imposed under the authority of this Act for offences punishable by fine only by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate, or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named officers; and in case any such fine shall not be forthwith paid, any such officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such officer may take such security by way of recognizances or otherwise; and if upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such officer may, by warrant under his hand, commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such officer, for any term not exceeding two calendar months when the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XXXVI. Payment of any fare to which any passenger not producing or delivering up his ticket shall be liable under Section I of this Act, may be enforced in the same manner as any fine imposed by this Act.

* *i.e.*, Magistrate of the 1st class.

XXXVII. Every person who shall be guilty of any offence mentioned in Sections XXV, XXVI, XXVII, and XXVIII of this Act, may be lawfully apprehended without any warrant or written authority, by any servant* or officer of the Company, or by any other person whom such officer* or servant shall call to his aid, or by any Police officer of such grade as shall by any law in force for the time being be entrusted in any case with the power† of arrest without a warrant; and every person so apprehended shall, with all convenient despatch, be carried and conveyed before a Magistrate‡ or Justice of the Peace, or other officer lawfully authorized to punish the offender or to commit him for trial.

XXXVIII. In the construction of this Act, unless where a contrary intention appears from the context, the word "Magistrate" shall include a Joint Magistrate, and any person lawfully exercising the powers of a Magistrate; words in the singular number shall include the plural; words in the plural shall include the singular; and words in the masculine gender shall include the feminine; and the word "fine" shall include a sum of money due upon a forfeited recognizance.

XL. Every railway within the said territories, used for the public conveyance of passengers or goods, shall, until the contrary be proved, be presumed to be a railway within the meaning of this Act, and every Company to whom any such railway* shall belong shall, until the contrary be proved, be presumed to be a Railway Company within the meaning of this Act.

XLIV. The Governor-General in Council may, from time to time, by notification in the *Gazette of India*, declare what Government shall be deemed to be the Local Government in respect of the whole or any part of a railway for the purposes of this Act.

Oudh Government Notification No. 450, *dated* 29*th November* 1871.

Chief Commissioner of Oudh, &c., shall be deemed to be the Local Government for the purposes of giving powers to act as Magistrates and calling for returns of accidents under Sections XXXIII and XLI of Act XVIII of 1854 regarding that portion of any railway which passes through the territories under his administration and control.

Under the provisions of Section XLIV added to Act XVIII of 1854 by Act XXV of 1871, the Governor-General in Council is pleased to declare that each of the following authorities:—

The Lieut.-Governor of Bengal,
The Lieut.-Governor of the N. W. Provinces,
The Lieut.-Governor of the Panjáb,
The Chief Commr. of the Central Provinces,
The Chief Commr. of Oudh,
The Agent to the Governor-General for Central India,

shall be deemed to be the Local Government for the purposes of giving powers to act as Magistrates, and calling for returns of accidents under Sections XXXIII and XLI of the first named Act, as regards the portion of any railway which passes through the territories under the administration or control of such authority.

* See Act XIII of 1870, s. 3.
† pp. 74-81.
‡ *i.e.*, Magistrate of the 1st class.

Schedule of Offences punishable under Act XVIII of 1854.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
1	Any person not producing or delivering up ticket as required by Section 1.	Any person.	N. C. See s. 24.	S.	B.	Fare from the place whence the train originally started, unless he can prove having travelled a less distance only, and then fare for that distance.	Any Magistrate, *see* s. 32.	
3	Any person defrauding or attempting to defraud any such Railway Company,* by travelling, or attempting to travel, upon such railway, without having previously paid his fare; or by riding in or upon a carriage of a higher class than that for which he shall have paid his fare, or by continuing his journey in or upon any of the carriages of the Company beyond the place for which he shall have paid his fare, without previously paying the fare for the additional distance, and with intent to avoid payment thereof, or knowingly	"	"	"	"	Fine not exceeding Rs. 50 for each offence.	"	*See Act XIII of 1870, s. 3.

	and wilfully refusing or neglecting on arriving at the point to which he shall have paid his fare, to quit such carriage, or in any other manner whatever attempting to evade the payment of his fare.						
4	Any passenger getting into or upon, or attempting to get into or upon, or quitting or attempting to quit any carriage upon any such railway, while such carriage is in motion, or riding or attempting to ride upon any such railway, on the steps or any other part of a carriage, except on those parts which are intended for the accommodation of passengers.	"	"	"	"	Fine not exceeding Rs. 20 for each offence.	"
5	Any person other than the engineman, and fireman and assistant fireman, if any, without the special license of the Superintendent of Locomotives, riding or attempting to ride upon any locomotive, engine or tender upon any such railway, and any person, other than the guard or breaksmen, without such license, riding or attempting to ride upon such railway, in or upon any luggage-van or goods-waggon, or other vehicle not appropriated to the carriage of passengers.	"	"	"	"	Ditto	"

Schedule of Offences punishable under Act XVIII of 1854.—(Continued.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Summons or Warrant to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
6	Any person smoking either on the premises, or in or upon any of the carriages belonging to any such Railway Company* except in places or carriages which may be specially provided for the purpose.	Any person.	N. C.	S.	B.	Fine not exceeding Rs. 20 for each offence.	Any Magistrate, *see* s. 32.	If offender persists in infringing this regulation, he may be removed by any of the servants of the Company, and shall forfeit his fare.
7	Any person being in a state of intoxication, or committing any nuisance, or act of indecency in any railway carriage or upon any part of the premises of any such Railway Company,* or wilfully and without lawful excuse interfering with the comfort of any passenger on such railway.*	"	"	"	"	Ditto	.....	Offender may be removed by any of the servants of the Company from any such carriage, and from the Company's premises, and shall forfeit his fare.

8	Any male person without lawful excuse entering any carriage or portion of a carriage or room or apartment provided by any Railway Company* for exclusive use of females, knowing the same to be exclusively appropriated as aforesaid, or remaining therein after having been informed of its exclusive appropriation.	"	"	"	"	Fine not exceeding Rs. 100.	"	"
14	Any such owner or person as aforesaid (s. 13) wilfully failing to give such account to such servant of the Company, or wilfully giving a false account thereof.	"	"	"	"	For every offence a fine not exceeding Rs. 50 for every ton of goods, or for any parcel exceeding one hundred weight; and a fine not exceeding Rs. 20 for any quantity of goods less than a ton or for any parcel less than one hundredweight.	"	
15	Any person carrying upon such railway any dangerous goods, or delivering to such Railway Company* any such goods for the purpose of being carried upon such railway, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing of the nature thereof to the bookkeeper or other servant of the Company to whom the same shall be delivered for the purpose of being so carried.	"	"	"	"	Fine not exceeding Rs. 200 for every such offence.	"	* See Act XIII of 1870, s. 3, p. 1152.

Schedule of Offences punishable under Act XVIII of 1854.—(Continued.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
16	Any person wilfully obstructing or impeding any officer* or servant of the Company in the discharge of his duty on such railway, or any of the works, stations, or premises connected therewith.	Any person.	N. C.	S.	B.	Fine not exceeding Rs. 50.	Any Magistrate. *see* s. 32.	
17	Any person trespassing upon any such railway* or upon any of the lands, stations, or other premises belonging to the Company.	"	"	"	"	Ditto	"	Same note as to s. 6.
18	Any person wilfully riding, leading or driving upon or across any railway, any animal except in directly crossing the said railway at any road or place appointed for the purpose, and at a time when he shall be lawfully authorized to do so.	"	"	"	"	Ditto	"	
19	The owner or person in charge of any cattle trespassing or straying	"	"	"	"	Fine not exceeding Rs. 10 for each animal in addition to	"	

	on any railway provided with fences suitable for exclusion of cattle (*see* s. 18).					any amount that may be recovered under Cattle Trespass Act.		* See Act XIII of 1870, s. 3.
20	Person in charge, or if he cannot be identified, owner of cattle wilfully driven or knowingly permitted to be on any railway, provided, &c., as in s. 19, otherwise than for the purpose of crossing the railway at a gate or bar provided for public use.	"	"	"	"	Fine not exceeding Rs. 50 for each animal in addition to any fine imposed under the Cattle Trespass Act.†	"	† See pp. 663.
22	Any person unlawfully and wilfully removing or defacing the number plates, or removing or extinguishing any lamp on any carriage belonging to any such Railway Company;* or wilfully or negligently damaging or injuring any carriage, engine, waggon, truck, warehouse, building, machine, fence, or any other matter or thing belonging to such Railway Company.	"	"	"	"	Fine not exceeding Rs. 50.	"	"
23	Any person for whose use or accommodation any gate shall have been set up by any such Railway Company* on either side of such railway, or any other person opening such gate, or passing or attempting to pass, or driving or attempting to drive any carriage, cattle, or other animal or thing across	"	"	"	"	Ditto	"	

Schedule of Offences punishable under Act XVIII of 1854.—(Continued.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	Remarks.
	the said railway at a time when any engine or train approaching along the same shall be in sight, or at any time omitting to shut and fasten such gate, as soon as he and any carrige, cattle, or other animal or thing under his charge shall have passed through the same.							
25	Wilfully doing any act, or wilfully omitting to do what any person is bound to do, intending by such act or omission to cause, or knowing that thereby the safety of any person travelling or being upon the railway is likely, to be endangered.	Any person.	C. *see* s. 37.	W.	N. B.	Transportation beyond sea for term of life, or imprisonment of either description not exceeding 7 years.	Magistrate of 1st class, *see* s. 38.	
26	Any officer* or servant of Railway Company wilfully doing any act which he is legally prohibited from doing or wilfully or negligently omitting to do what he is	"	"	"	"	Imprisonment of either description not exceeding 3 years, or fine, or both.	"	

	legally bound to do; if in consequence of such act or omission the safety of any person travelling or being on such Railway* Company is endangered.							
27	Any officer* or servant of Railway Company* being in a state of intoxication whilst actually employed upon the railway or work connected therewith in the discharge of any duty, or,.	"	"	S.	B.	Fine not exceeding Rs. 50.	"	
	negligently omitting to perform his duty, or peforming the same in an improper manner; and	"	"	"	"	Ditto	"	
	if the duty in any of the above cases in this section be such that the omission or negligent performance thereof would be likely to endanger the safety of any person travelling or being on such railway.*	"	"	"	"	Imprisonment of either description for a term not exceeding one year, or fine, or both.	"	
28	Any person rashly or negligently and without lawful excuse doing any act which shall be likely to endanger the safety of any person travelling or being upon such railway.*	"	"	"	"	Ditto	"	
29	Any officer or person employed upon a railway endangering the safety of any person by (1) disobeying any general rule or regulation sanctioned and	"	C.	W.	N. B.	Imprisonment of either description for any term not exceeding three years, or to fine not exceeding Rs. 500, or to both.	"	* See Act XIII of 1870, s. 3.

Schedule of Offences punishable under Act XVIII of 1854. —(Concluded.)

Section.	Offences.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
	notified in the manner prescribed by Section twenty-six, or (2) disobeying any rule or order not inconsistent with the general rules or regulations aforesaid, and which he was bound by the terms of his service to obey, and of which he had notice, or (3) by any rash or negligent act or omission.							
41	Railway Company* omitting to give notice of any accident attended with serious personal injury to the Local Government.	Any person.	C.	W.	N. B.	Forfeiture of Rs. 50 for every day during which omission to give notice shall continue.	Any Magistrate.	* See Act XIII of 1870, s. 3.
42	Railway Company* not delivering within 14 days after it has been required any return of serious accidents occurring in the course of public traffic upon the railway belonging to such Company.	"	"	"	"	Ditto	"	

RAILWAY, CANAL OR PUBLIC WORKS LABOR ACT.

ACT IX OF 1860.

I. It shall be lawful for the Executive Government of any presidency or place within the British territories in India to invest any Magistrate or other officer exercising the powers* of a Magistrate with power to enquire into and decide disputes on account of wages, hire of carriage, or the price of work, between any workmen employed in the construction of any railway, canal, or other public work, the construction of which is or shall be sanctioned by Parliament or by any such Executive Government, and the person or persons by whom such workmen are employed.

II. Magistrates empowered to decide disputes under the preceding section shall have jurisdiction only in case the amount in dispute shall not exceed the sum of two hundred rupees, and the claim is preferred within six months from the date on which the cause of action arose.

III. The Executive Govenmrent shall fix, and may, from time to time, alter, the local limits of the jurisdiction of any Magistrate invested with jurisdiction under Section 1 of this Act. A Magistrate so invested may hold a Court for the investigation of disputes of the nature described in the said section, at any place within the local limits of his jurisdiction.

IV. The rules for the institution of suits as provided in Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*) shall, as far as circumstances will allow, be followed in the investigation of disputes under the preceding sections, and the procedure adopted shall be that provided for in cases in which the suit may be disposed of at the first hearing.

V. There shall be no appeal against any decision passed under this Act.

VI. The Magistrate having heard and decided the case, shall make an order for the payment of such sum of money (if any) as shall appear to him to be justly due: and if the person ordered to pay shall make default in the payment of such sum immediately or within such time as the Magistrate shall direct, the Magistrate shall issue his warrant to levy the money by distress and sale of the goods and chattels of the defaulter.

VII. If any question shall arise whether any goods or chattels seized under the warrant of distress belong to the defaulter, or are liable to be distrained and sold as aforesaid, the same shall be determined in the manner provided by the said Act VIII of 1859 for the determination of the like questions arising in the execution of decrees.

IX. This Act shall take effect only in those districts or places to which it shall be extended by order of the Governor-General of India in Council, or of the Executive Government of any presidency or place.

* Now 1st class Magistrates.

Schedule of Offences punishable under Act IX of 1860.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
8	Any person voluntarily engaging for a stipulated period to work on a Railway Canal, or other public work, the construction of which is or shall be sanctioned in manner specified in Section 1 of this Act, or to execute any specific work in connection with such public work, and wilfully and without lawful or reasonable excuse neglecting or refusing to perform the work so stipulated for.	Any person.	N. C.	S.	B.	Fine not exceeding Rs. 20, or if complainant or any one authorized on his behalf so request, an order to perform or get performed the work according to terms of contract or agreement, in default of compliance with this order, imprisonment of either description for a term not exceeding 2 months.	Any Magistrate authorized in this behalf by Government.	

RAILWAY COMPANIES' SERVANTS.

ACT NO. XXXI OF 1867.

I. In this Act "Railway Company" means the proprietors for the time being of every railway or tramway situate in the territories vested in Her Majesty or Her successors under the Statute 21 & 22 Vic., cap. 106 (*an Act for the better government of India*), or (so far only as regards British subjects within the dominions hereinafter mentioned) situate in the dominions of Princes and States in the East Indies in alliance with Her Majesty or Her successors, and the lessees, representatives, and assigns of such proprietors.

II. Every officer and servant of a Railway Company shall be deemed a "public servant" within the meaning of Sections 161, 162, 163, 164, and 165 of the Indian Penal Code.

III. In the definition of legal remuneration contained in the said Section 161, the word "Government" shall, for the purposes of this Act, be deemed to include a Railway Company.

RAILWAY SERVANTS, PROCEDURE IN DISPOSING OF CRIMINAL COMPLAINTS AGAINST.

BOOK CIRCULAR NO. XXV OF 1872.

A case having occurred in which a station master on the Oudh and Rohilkhund Railway was convicted of a charge under Section 504, Penal Code, and sentenced to a week's rigorous imprisonment without any notice being given to the Agent of the Railway Company, the Officiating Judicial Commissioner directs that in all cases in which complaints are preferred against servants of the Railway Company of having committed any offence punishable with fine only, or with imprisonment for a period not exceeding six months, or with both, and the Magistrate deems it necessary to issue a summons for the appearance of the defendant, the summons be sent for service to the Agent of the Railway Company.

2. In cases in which a warrant ordinarily issues, intimation of the warrant having issued against a servant of the Company should, simultaneously with the issue of the warrant, be forwarded to the Agent of the Company.

3. All Magisterial officers to exercise discretion in the disposal of complaints and charges against servants of the Railway Company; and to be careful not to withdraw any servant from his duties, without giving notice to the Agent, more especially when the absence of such servant is likely to be prejudicial to public interests.*

RAILWAYS, GOVERNMENT.

ACT NO. XIII OF 1870.

1. Act No. XVIII of 1854 (*relating to Railways in India*) shall apply to all railways now or hereafter belonging to Government, but worked by a Railway Company, in the same manner as if such railways belonged to the Company, and had been opened by the Company in manner mentioned in the preamble to the said Act.

2. Subject to the modifications hereinafter mentioned, the said Act shall apply to all railways now or hereafter worked by Government in the same manner as if such railways had been opened by a Railway Company in manner aforesaid.

3. In applying the said Act to any railway now or hereafter worked by Government,

* See also pp. 136, 140.

the expressions "servant of the Company," "such servant," "such servant of the Company," "servant of the said Company," "Company's servants," "servants of the Company," "their servants," and "any of their servants," shall mean a servant or servants employed on such railway:

the expressions "officer or servant of such Railway Company," "officer or servant of such Company," "officer or servant of the Company," "servant or officer of the Company," and "such officer or servant," shall mean an officer or servant employed on such railway:

the expressions "the premises of any such Railway Company," "the premises of the Company," "premises belonging to the Company," "lands belonging to such Railway Company," and "lands, stations, or other premises belonging to the Company," shall mean the premises, lands, or stations (as the case may be) occupied by or for such railway:

the expression "delivered to such Railway Company" shall mean "delivered to an officer on behalf of Government," and the expression "engagements on behalf of the said Railway Company" shall mean engagements on behalf of Government:

Sections nine and ten shall be read as if, for the expression "No such Railway Company shall," the expression "The Government shall not" were substituted:

the expressions "any such Railway Company," "such Railway Company," "any such Company," and "the Company" shall mean, in Sections three, six, eight, eleven, twelve, fifteen, twenty-two, twenty-seven, and thirty, the Government:

but in Sections seventeen, nineteen, twenty-three, forty-one, and forty-two, the expressions "Railway Company," "such Railway Company," "the Company," and "they" (when referring to a Company) shall mean the officer for the time being entrusted with the control of such railway:

in Section twenty the expression "their railway" shall mean such railway:

and Section twenty-nine shall be read as follows:—

"XXIX. In the construction of this Act, every officer and servant employed on such railway shall be deemed to be legally bound to do everything necessary for or conducive to the safety of the public, which he shall be required to do by any regulation made by the officer for the time being entrusted with the control of such railway and allowed by the Governor-General of India in Council, and of which regulation such officer or servant shall have notice;

and every such officer and servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger, and which by any such regulation he shall be prohibited from doing;

and every person employed by or on behalf of the Government to do any act upon the railway shall be deemed to be a servant employed on such railway.

RECORD OF CASES IN WHICH NO ONE IS ARRESTED.

PUNJAB CIRCULARS 54 OF 1860 AND 10 OF 1863.

Whenever a charge of crime is brought against any party, the nature and circumstances of its commission may be faithfully and minutely recorded, with all its bearing against other parties, as well as the parties suspected. In cases where the crime has terminated fatally, the sworn evidence of the medical officer, as to the cause of death, should invariably be recorded, as it is of the first importance to find out how the party came by his death.

I. The evidence of the Civil Surgeon must, under all circumstances, and in every case, be recorded within one week.

II. If at the end of a week, there is no clue to the party guilty of an offence, all other evidence must be then recorded. If a clue does exist, the recording may be postponed for another week; but under no circumstances may it be delayed beyond a fortnight after the occurrence.*

* See p. 285.

RECORDS BY SESSIONS JUDGES AND MAGISTRATES, ARRANGEMENT OF.

I. Records of sessions trials and heinous (*i.e.*, non-bailable) cases of Magistrates' Courts generally of above 14 years' date may unobjectionably be destroyed; a discretion being exercised at the same time by the Sessions Judges and Magistrates of preserving individual cases or papers on any grounds appearing to them sufficient; cases in which sentences are not expired must invariably be preserved.

II. Provided that cases in which parties accused have hitherto eluded apprehensions shall always be preserved.

III. The above rules should be acted on from year to year, so that no accumulation may occur beyond a term of 14 years in regard of the records of heinous (*i.e.*, non-bailable) cases.

IV. In regard to the records of the Magistrate's Court, the following may be destroyed yearly, if upwards of two years old, excepting those which the Magistrate may deem it prudent to preserve in consequence of non-arrest of particular offenders or non-realization of fines. In cases of the last description, the records shall be destroyed, at all events, after six years from date of sentence:—

Security cases, if expired.
Petty (*i.e.*, bailable) trials.
Act IV of 1840 (re-enacted in Sections 530—532, Act X of 1872) suits, excepting the decisions and documents, plaints and answers.
Miscellaneous cases.
Thannah diaries.
Police reports in which no further proceedings followed.
Miscellaneous rubekaries.
Do. reports and returns by the Nazir.
Copies of perwanahs.
Do. of ishtahars.
Despatch-books.
Receipt-books of the record-room.
Rough order books.
Witnesses' attendance books.
Appeals.
Nazir's records, excepting lotbundees, accounts of money, and ferry ghat papers.
Miscellaneous reports of the jailor.
Do. petitions.
Periodical statement, except Register of petty (*i.e.*, bailable) cases.
Register of mooktarnamahs, excepting "general" ones.
Do. of miscellaneous cases.
Do. petitions.

V. In regard to cases appealed to the Sessions Court, the Sessions Court record of such cases may be periodically destroyed after a term of six years.

RECORD OF EVIDENCE.

CALCUTTA HIGH COURT CIRCULAR ORDER NO. 4 OF 1872.

2. The evidence of the witnesses should, in all cases, be recorded on printed or lithographed forms, and care should be taken that the headings are carefully and accurately filled up. No more than one deposition should be written on each sheet.

4. The Court also desire that all documents referred to by the Sessions Judge, and used by him as evidence (such as medical depositions, confessions of accused, &c., &c.), should be put up with the Sessions' nuthee. Considerable inconvenience, as well as delay, is caused by the Appellate Court having frequently to search through the Magistrate's proceedings for papers which ought to form part of the Sessions record. Copies can, if necessary, be placed in the Magistrate's records.

5. When confessions of accused persons made before a Magistrate form part of the evidence against the persons committed for trial to the Court of Sessions, they should be accompanied by translations into the English fairly written out.

PANJAB BOOK CIRCULAR VI OF 1871.

"The Lieutenant-Governor is pleased to direct that, from the date of this order, "all native judicial officers shall, in criminal trials, take down the evidence of witnes-"ses in their own handwriting in full. Should they be prevented by any sufficient "reasons from taking down the evidence of any witness, in such case they shall record "the reason of their inability to do so, and shall cause the evidence to be taken down "in writing from their dictation in open Court."

Commissioners and Deputy Commissioners should see that the orders of Government in this behalf are strictly followed, and that in all criminal cases tried by native officers, the evidence is taken down in full by the officer who tries the case. In the case of officers who cannot read and write, and on other occasions where any sufficient reason prevents a native Magistrate from taking down the evidence of any witness, the reason of inability to take down the evidence must be recorded, and the native Magistrate must, in such a case, cause the evidence to be taken down from his dictation in open Court.

II. It has been found that, in many cases, the examination of the complainant, prescribed by Sections 141, 144 of the Code of Criminal Procedure, is very imperfectly recorded. In Book Circular XXI of 1868, the attention of Magistrates was called to the provision of the law on this head.

It appears evident, however, that the preliminary examination is occasionally omitted; and when it is made, it is often hastily slurred over.

The Court, therefore, finds it necessary to repeat the injunction contained in Book Circular No. XXI of 1868, and to remind Magistrates that the examination of the complainant must, in accordance with Sections 141, 144 be reduced into writing, that is to say, either written in the handwriting of the Magistrate himself, or in the manner described in Section 334, Criminal Procedure Code; and the Court is of opinion that the former course ought to be followed as far as possible.

It is obvious that the examination of the complainant prescribed by the Code of Criminal Procedure is no mere formality.

It is the result of this examination which ought to lead the Magistrate to determine whether he will put the machinery of the Criminal Court in motion by the issue of a summons or warrant to cause the accused person to appear before him.

Section 147 lays down that if in the judgment of the Magistrate there be no sufficient ground for proceeding, he shall dismiss the complaint. The preliminary examination, therefore, if properly made, will frequently result in the summary dismissal of a complaint, and save an innocent person from the trouble and annoyance of appearing at the bar of a Criminal Court. In the interests of the public, therefore, as well as with a view to the rapid despatch of work, the careful observance of the law in this particular is incumbent upon Magistrates.

III. Section 334 prescribes the mode in which evidence should be taken by Magistrates acting under Chapter XV or XVII, Criminal Procedure Code.

The Magistrate, if he does not himself take down the evidence in full, is bound to record a memorandum of the substance of what each witness deposes. If he is prevented from making the memorandum, he must record the reason of his inability to make it. It has hitherto been deemed a sufficient excuse for omitting to record a memorandum of evidence that the Magistrate is *bonâ fide* pressed for time, and previous orders on the subject have encouraged this idea.

The Judges take this opportunity of informing Magistrates that such an excuse is not a valid one. Omission to take a memorandum of evidence cannot be justified except under such circumstances as render it impossible for the Magistrate to make it.

IV. The record of a case made by the Magistrate in his own hand, whether he write down the evidence in full or not, should contain not only memoranda of evidence, but also, in its proper place, a short note of every material order made during the enquiry or trial with date attached. For instance, if a report is called for from the Police office, or the Record office, the fact should be briefly noted. Every order of adjournment must be entered, and the date on which the enquiry was resumed should be apparent. The Court does not require the insertion of the above matters in the record in order only to introduce greater formality; they are of importance in guiding Appellate Courts and the Court of Revision.

V. In miscellaneous proceedings, such as under Chapters XXXVII, XXXIII, and XLI, Criminal Procedure Code, a short record in the handwriting of the Magistrate is desirable. In regard to cases under Chapters XXXVII and XXXVIII, indeed, the Code (Section 515) expressly provides for a record of any evidence which may be taken; a memorandum of such evidence must, except under special circumstances, be written by the Magistrate himself. In proceedings under Chapter XXXIX, Sections 521—529, it is desirable that the same system be followed. In all miscellaneous cases, no less than in all formal enquiries and trials, the final order must, of course, be recorded in the vernacular of the presiding officer (Section 464, Criminal Procedure Code).

RECORDS OF TRIALS, PANJAB AND N. W. P.

No. 13 of 1843, N. W. P.

Recently frequent instances have come under the notice of the Court, in which the papers filed with the record of a case, either called for or sent up in regular course, have not corresponded with the lists prefixed to the misl, or in which certain parts of the record have been found to bear marks of correction and interpolation, the origin and authenticity of which it is hardly possible, without some more efficient check than at present exists, to ascertain. The Court, therefore, with the view of preventing the inculpation of persons innocent of such interpolation, whether fraudulent or otherwise, and of obviating the necessity of frequent references to the Zillah Courts regarding discrepancies between the papers on records and the lists prefixed to them, which examination on their receipt in this Court may elicit, are pleased to direct that in future a report, signed by the record-keeper,* and attested by the Judge of each Zillah Court, containing a specification of corrections or interpolations in the pleadings or evidence filed with the case, and certifying that, previous to despatch, the papers of the misl have been on examination found to correspond with the prefixed list, shall invariably accompany every record which may be forwarded, either in accordance with a requisition of the Court, or in due course of practice.

2. This rule is, *mutatis mutandis*, to be considered applicable to Sessions Judges in sending up records of trials for sentence, or in referring cases for order or opinion according to the provisions of Act XXXI of 1841, and generally on every occasion which may render the transmission of vernacular proceedings necessary.

3. The Civil and Sessions Judges are hereby required to enjoin the observance of a similar practice on their subordinates respectively.

* In spite of this Circular only as late as April 1873, the records sent from a Magistrate's office in the N. W. P., to the High Court at Allahabad, contained as many as twenty corrections, &c., a piece, and were certified by the record-keeper as correct! Magistrates would do well occasionally to examine such records from time to time as opportunity offers.

RECRUITING.

Panjab District Superintendents in their weekly confidential diaries to report arrival of recruiting parties from Foreign States to enlist British subjects for service in forces of Native States and Princes in alliance with the Queen; they should show—

I. The number enlisted.

II. The class to which the recruits belong.

III. Name of the State for which they are enlisted.

IV. Number and constitution of recruiting parties and any other matter of interest—*Cirs.* 61 *and* 63 *of* 1871.

REGISTRATION ACT.

ACT NO. VIII OF 1871.

It extends to the whole of British India, except such districts or tracts of country as the Local Government may from time to time, with the previous sanction of the Governor-General in Council, exclude from its operation.

2. On and from that day (1st July 1871) the enactments mentioned, or referred to, in the first schedule hereto annexed, shall be repealed to the extent specified in the third column of the same schedule.

But all appointments, notifications, rules, and orders made, and all offices established, under any of the said enactments, shall be deemed to have been, respectively, made and established under this Act, except in so far as such rules and orders may be inconsistent herewith.

References made in Acts passed before the first day of July 1871, to any enactment hereby repealed, shall be read as if made to the corresponding section of this Act.

3. In this Act, unless there be something repugnant in the subject or context—

"Lease" includes a counterpart, a kabúliyat, an undertaking to cultivate or occupy, and an agreement to lease:

"Signature" and "signed" include and apply to the affixing of a mark:

"Immoveable property" includes land, buildings, rights to ways, lights, ferries, fisheries, or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops, nor grass:

"Moveable property" includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immoveable property:

"Book" includes a portion of a book, and also any number of sheets connected together with a view of forming a book or portion of a book:

"Endorsement" and "endorsed" include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act:

"Minor" means a person who, according to the personal law to which he is subject, has not attained majority:

"Representative" includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot:

"Addition" means the place of residence and the profession, trade, rank, and title (if any) of a person described, and, in the case of a native, his caste (if any) and his father's name, or where he is usually described as the son of his mother, then his mother's name.

"District Court" includes the High Court in its ordinary original civil jurisdiction:

"District" and "Sub-District" respectively mean a District and Sub-District formed under this Act.

PART III.

Of Registrable Documents.

17. The documents next hereinafter mentioned shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No. XVI of 1864, or Act No. XX of 1866, or this Act came or comes into force (that is to say),—

(1) Instruments of gift of immoveable property:

(2) Other instruments (not being wills) which purport or operate to create, declare, assign, limit, or extinguish, whether in present or in future, any right, title, or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immoveabe property:

(3) Instruments (not being wills) which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation, or extinction of any such right, title, or interest: and

(4) Leases of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent.

Provided that the Local Government may, by order published in the Official Gazette, exempt from the operation of the former part of this section any leases executed in any district, or part of a district, the terms granted by which do not exceed five years, and the annual rents reserved by which do not exceed fifty rupees.

Nothing in clauses (2) and (3) of this section applies

(a) to any composition-deed,

(b) to any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immoveable property, or

(c) to any endorsement upon or transfer of any debenture issued by any such Company.

Authorities to adopt a son, executed after the first day of January 1872, and not conferred by a will, shall also be registered.

18. Any of the documents next hereinafter mentioned may be registered under this Act (that is to say),—

(1) Instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit, or extinguish, whether in present or in future, any right, title, or interest, whether vested or contingent, of a value less than one hundred rupees to or in immoveable property:

(2) Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation, or extinction of any such right, title, or interest:

(3) Leases of immoveable property for any term not exceeding one year, and leases exempted under Section seventeen:

(4) Awards relating to immoveable property:

(5) Instruments which purport or operate to create, declare, assign, limit, or extinguish any right, title, or interest to or in moveable property:

(6) Wills:

(7) Acknowledgments, Agreements, Appointments, Articles of Partnership, Assignments, Awards, Bills of Exchange, Bills of Sale, Bonds, Composition-deeds, Conditions of Sale, Contracts, certified copies of Decre-- nd Orders of Courts, Covenants, Grants, Instruments of Dissolution of Partner...p, Instruments of Partition, Powers of Attorney, Promissory Notes, Releases, Settlements, Writings of Divorcement, and all other documents not hereinbefore mentioned.

19. If any document duly presented for registration be in a language which the registering officer does not understand, and which is not commonly used in the district, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the district, and also by a true copy.

20. The registering officer may, in his discretion, refuse to accept for registration any document in which any interlineation, blank, erasure, or alteration appears,

unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure, or alteration. If he register such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure, or alteration.

21. *(a)* No document not testamentary relating to immoveable property shall be accepted for registration, unless it contains a description of such property sufficient to identify the same.

(b) Houses in towns shall be described as situate on the north or other side of the street or road (mentioning it) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

(c) No document not testamentary containing a map or plan of any property comprised therein shall be accepted for registration, unless it be accompanied by a true copy of the map or plan, or, in case such property is situate in several districts, by such number of true copies of the map or plan as are equal to the number of such districts.

22. Failure to comply with the provisions contained in Section twenty-one, clause *(b)*, shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify such property.

PART X.

Of the Effects of Registration and Non-Registration.

47. A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

48. All documents, not testamentary, duly registered under this Act, and relating to any property, whether moveable or immoveable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession.

49. No document required by section seventeen to be registered,

shall affect any immoveable property comprised therein,

or confer any power to adopt,

or be received as evidence of any transaction affecting such property or conferring such power,

unless it has been registered in accordance with the provisions of this Act.

50. Every document of the kinds mentioned in clauses (1) and (2) of section eighteen, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

Explanation.—In cases where Act No. XVI of 1864, or Act No. XX of 1866, was in force in the place and at the time in and at which such unregistered document was executed, "unregistered" means not registered according to such Act, and where the document is executed, after the first day of July 1871, not registered under this Act.

82. Every registering officer appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

Every person shall be legally bound to furnish information to such registering officer when required by him to do so, and in section two hundred and twenty-eight of the same Code, the words "judicial proceeding" shall include any proceeding under this Act.

Exemptions from Act.

87. Nothing contained in this Act or any Act hereby repealed shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps :—

(*a*) Documents issued, received, or attested by any officer engaged in making a settlement or revision of settlement of land revenue, and which form part of the records of such settlement.

(*b*) Documents and maps issued, received, authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey.

(*c*) Documents which, under any law for the time being in force, are filed periodically in any revenue office by patwáris or other officers charged with the preparation of village records.

(*d*) Sanads, inám title-deeds, and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land.

But all such documents and maps shall, for the purposes of sections forty-eight and forty-nine, be deemed to have been and to be registered in accordance with the provisions of this Act.

Schedule of Offences punishable under Act VIII of 1871.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
79	Every registering officer appointed under this Act, and every person employed in his office for the purposes of this Act, being charged with the endorsing, copying, translating, or registering of any document presented or deposited under the provisions, endorsing, copying, translating, or registering such document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury, as defined in the Indian Penal Code, to any person.	person appointed by him.	C.	W.	N. B.	Imprisonment of either description not exceeding 7 years, or fine, or both.	Magistrate of the 1st class.	
80	Intentionally making any false statement whether on oath or not, and whether it has been recorded or not before any officer acting in execution of		"	"	"	Ditto	"	

this Act, or of any proceeding or enquiry under it.	Inspector-General of Registration or							
(b) intentionally delivering to a registering officer in any proceeding under section nineteen or section twenty-one a false copy or translation of a document, or a false copy of a map or plan,		"	"	"	Ditto ...	...	...	"
(c) falsely personating another, and in such assumed character presenting any document, or making any admission or statement, or causing any summons or commission to be issued, or doing any other act in any proceeding or enquiry under this Act,		"	"	"	Ditto ...	...	...	"
(d) abetting within the meaning of the Indian Penal Code anything made punishable by this Act.		"	"	"	Ditto ...	...	...	"
See also s. 82.		"	"	"	Ditto ...	...	...	"

REMANDS.

CIRCULAR No. 578A OF 1862.

Judicial (Criminal Department), N. W. P.

SIR,—It has been brought to the notice of the Lieutenant-Governor that it is no uncommon practice for Magistrates of districts, on a case with prisoners being brought into Court by the Police in the afternoon, to give a verbal order for the confinement of the accused in the City Police station, until they find it convenient to commence proceedings; and if the following day should be a Sunday, or a close holiday, the case, it is said, remains unacknowledged until the Court is re-opened.

2. Again, when parties charged with offences are received from Mofussil Police stations, on days when the Courts are closed, they are, it is said, not unfrequently placed in the Sudder City Police station, until the warrant, without which they cannot be received in the proper hawâlat within the jail, can be prepared and issued.

3. The Lieutenant-Governor has been informed that in some instances accused parties have been kept in the City Police station, thus unacknowledged, for six days, and that, when the Courts are closed for more than a day, the numbers accumulated from the several Mofussil Police stations become considerable.

4. I am to desire that the practice above described, if it exist in your district, may be at once suppressed. Besides that, the City Police station is no proper or secure place for the custody of parties charged, perhaps, with heinous offences, it is obvious that the using of it for that purpose leads necessarily to the employment, as a guard, of a larger portion of the City Police force than would otherwise be requisite, and consequently to their withdrawal from their proper duty of watch and ward and city patrolling. The practice is further objectionable for the obvious reason that its effect is to mislead the supervising authorities as to the period occupied in the trial of criminal cases brought into Court through the agency of the Police; the delay, whatever it may be, is thus made to appear as resting with the Police, while in point of fact it rests with the Magistrate of the district.

RESIGNATIONS, N. W. P.

Extract of Police Orders, dated 12th August 1862.

A chief constable in the district of
was accused of concealing information of a crime committed and reported to him, and summoned by the Magistrate to answer the imputation. Before disposal of the case, his resignation was accepted by the District Superintendent. This was most objectionable; and the Inspector-General directs that no Police officer shall be permitted to resign whilst under trial, either before a Magistrate, or the District Superintendent, for any offence or any violation of duty, such as would subject him to punishment: and on no occasion will a District Superintendent accept the resignation of a Police officer so long as his conduct is under enquiry by a Magistrate.

REST-HOUSE RULES, PANJAB.

I. Police rest-houses, and rooms in thanas for Police officers, are intended primarily for the use of Police officers; and when not occupied by them, for officers of the Judicial Department.

II. Two officers of the above departments requiring the accommodation at the same time must share it, but in such cases officers of the Judicial Department should

be careful to stay only so long as the duty they are on absolutely demands it. If they can get other accommodation, they should vacate the Police house or room. Officers of D. P. W. may always use Police rest-houses without payment, when not required by Police or Judicial Departments.

III. Government servants of other departments, when accommodation cannot be obtained in a seraie or dâk bungalow, may use a Police rest-house *without payment*, and in cases of urgent necessity, may use the room in thana on payment of two rupees per diem or for any part of a day for *each* individual so occupying the room. Any Police officer of the thana will be entitled to demand payment and to give a receipt.

IV. These quarters have been provided solely for the use of the above public officers when on duty, and it is by no means intended that they be made use of generally by travellers, as much inconvenience would result therefrom. Members of the public may, however, in cases of special emergency, use the Police *rest-houses*, unless prohibited by the District Superintendent, on payment of Rs. 2-8 per diem for each individual so occupying the room.

V. Class IV is liable to pay double the value of all property destroyed or injured.

VI. Any member of the public, or member of a Government department other than the judicial, must vacate Police accommodation directly a Police or judicial officer requires it. In such cases the rent for that day will be returned.

VII. Members of the public may *not* be allowed to use the rooms in thanas if there is a dâk bungalow or seraie at the place.

VIII. A board containing a list, in English and Vernacular, of property contained in each rest-house and thana, with the value of each article of Government property, will be kept by the individual in charge.

Circular Memo. No. 1137 *of* 1864, *dated* 1*st June.*

Thanas should be kept scrupulously clean; the floors of the barracks washed with cow-dung weekly; the carpet in the offices kept clean; broken bricks, tiles, &c., removed; and the office white-washed twice a year. This latter should be done on application to the Deputy Commissioner.

REWARDS, N. W. P.

The offer and proclamation of rewards for the discovery and apprehension of criminals, or for the performance of any other service desired by the Judicial Officers, attach to the Commissioner or the Magistrate, and not to Police.

District Superintendents, when forwarding such applications for sanction, to report whether the Police officer claiming the reward is answerable for any neglect or remissness which rendered necessary to the offer of the reward. *For instance,*—A commits murder and absconds, the scene of the murder and of his residence being within the circle of Station B; the Police of B (excepting under peculiar circumstances) are not entitled to the reward should they effect capture of A, because it was their special duty to trace and apprehend him.

All rewards withheld from individual Police officers will be paid into the General Police Fund for the benefit of the Police generally.

In cases where Police officers behave with promptitude, and with intelligence in the performance of their regular duty, it is better to bestow on them departmental, and not pecuniary rewards. In this view District Superintendents should encourage by promotion all Police officers who, though the duty performed may have been done in the performance of their ordinary duty, have displayed intelligence or zeal in its performance.

Pecuniary rewards to Police officers, including village Police, displaying intelligence or special good conduct in the performance of any service for which reward

has not been previously proclaimed by law, or by order of Government or other competent Government officer, require to be reported to Government for sanction through the Inspector-General of Police; and all acts of good service done by the village chowkeedars, or other village Police, should be remunerated in this way. *The recommendations for rewards to Chaukidars to be made to office of Inspector-General of Police at Magistrate's own instance or on endorsement of recommendation by District Superintendent (I of* 1873*).*

These men are wretchedly paid, and a pecuniary reward for good service done will tend more than anything else to enlist them in the cause of the Police. Recommendations for such rewards can be made by Judges, Magistrates, or Police officers.

Rewards for the capture of escaped convicts who have been proclaimed by the Inspector-General of Prisons, are on a scale graduated by the terms of unexpired sentence on escape.

The Magistrate to determine whether such rewards, or any portion thereof, should be paid to Police; but should such be awarded, actual payment must be sanctioned, before being made, by the Inspector-General.

Rewards proclaimed by Magistrates or other Judicial Officers for capture of offenders or other service to be done are charged, on payment, to "Justice." Rewards proclaimed for capture of escaped convicts, when paid, are charged to "Jail Department." Forfeitures, penalties, or rewards for seizure of contraband articles, or smugglers, "to Revenue." Rewards sanctioned to Police for meritorious conduct, and which have not been previously proclaimed, are charged to "Police."

Circular No. 27, *dated* 24*th December* 1868.

Under instructions from Government, Police officers will, in future, be allowed reward for *arresting* persons guilty of breaches of excise and opium laws. Police officers *giving* information only of infraction of such laws are entitled to no rewards, as declared in paragraph 65 of Resolution No. 767A, dated 2nd July 1861, but the whole of the reward or forfeiture in such cases must, when realized, be credited to the General Police Fund.

Extract of Police Order No. 3118, *dated* 2*nd November* 1863.

An instance lately occurred of a Police Inspector paying a reward money for promise of information leading to the discovery of a robbery. It subsequently appeared that the informers were the robbers, and they have been convicted of the crime. The practice is very irregular, and the Inspector-General directs that all grades of Police be distinctly informed that it is the province of the magisterial officers only to promise or pay rewards, or make offers of conditional or other pardon. Should officers of Police suppose that any valuable information can be obtained by such offers or promises, it is their duty to make reference to the Magistrate through their own superior officers.

RULES UNDER SECTION 18 OF THE CRIMINAL TRIBES' ACT, 1871.—*Panjab.*

I.—The register of criminal tribes, gangs, and classes shall be prepared in the form hereinafter prescribed; it shall be written in the English language, and shall be in the handwriting of the Magistrate of the District, or in that of the persons appointed under Section 8 to prepare it.

(FORM REFERRED TO IN RULE I.)

Register of Criminal Tribes, Gangs, and Classes in District of

1	2	3	4		5				6	7	8	9	10			11	12
Serial Number of Name.	Name, *aliases*, and Parentage of registered Person.	Name of Tribe, Gang, or Class.	PLACE AT WHICH REGISTERED PERSON IS TO RESIDE.		DESCRIPTIVE ROLL OF REGISTERED PERSON.				Ground on which registered Person's Name was recorded.	Date of Registration.	Orders passed by the Magistrate of the District under Sections 11 and 12.	Orders passed by the Commissioner under Section 12.	CONVICTION OF REGISTERED PERSON OF NON-BAILABLE OFFENCES (BEFORE AND AFTER REGISTRATION).			Remarks.	TRANSFER UNDER SECTION 16.
			Village.	Police-station.	Age on the Date of Registration.	*Height.* Feet.	*Height.* Inches.	Particular Marks and Peculiarities of Feature, &c., &c.					Offences.	Places and Dates.	Sentences.		Place to which transferred, and Date.

II.—The Magistrate of the District shall, on receiving a direction from the Local Government to prepare a register of the members of any criminal tribe, gang, or class, cause a notice to be prepared, calling on the members of such tribe, gang, or class to appear at a time and place therein specified, and before such person or persons as may be named in such notice, and to give those persons such information as may be necessary to enable them to make the register.

III.—Such notice shall be affixed to a conspicuous part of the village or town, reception-house, or other principal building; and if such tribe, gang, or class resides in more villages or towns than one, a copy of such notice shall similarly be affixed in every such village and town.

IV.—A copy of such notice shall be served on the headman or headmen of every such village or town, and it shall thereupon be the duty of such headman or headmen to cause the contents of the aforementioned notice to be proclaimed by word of mouth by the village watchmen of his or their village or town.

V.—When the town in question contains no village Police, such notice shall be served on the principal Police officer of such town, who shall cause it to be proclaimed in like manner by any of the Police subordinate to him.

VI.—When an application has been received by a Magistrate of the District showing cause why an alteration should be made in the register of criminal tribes, gangs, and classes, he shall issue his summons to—

(*a.*)—The person to be affected by such proposed alteration;

(*b.*)—The headman or headmen of such person's village; and to

(*c.*)—The District Superintendent of Police, setting out the alteration proposed to be made, and the time and place at which the persons summoned may appear to state their reasons for or against such alteration.

VII.—No registered person shall leave the boundaries of the town or village of which he is a resident without having obtained a pass in the manner hereinafter provided.

Proviso.—Nothing contained in this rule shall be deemed to render it illegal for a registered person to quit the boundaries of his town or village for the purpose of appearing at the nearest Police station, or before the nearest Magistrate, to complain of an offence committed against himself, or against any of the members of his family, or in respect of property belonging to himself, or to apply for a pass under these rules, or to make any report which he is bound by law to make: provided that such person shall give notice of his intended departure to the headman or headmen of his village, and shall proceed direct to the office of the Magistrate or Police station as aforesaid.

Explanation.—The expression "town or village of which he is a resident" means the town or village in which a registered person is ordered to reside, and which is entered as his residence in this register.

VIII.—Every pass granted to a registered person permitting him to be absent beyond the boundaries of his village or town shall state—

(*a.*)—The name of the person to whom the pass is granted.

(*b.*)—The descriptive roll of such person.

(*c.*)—The place from which, the route by which and the place to which such person is to proceed, and also similar information as to the return journey.

(*d.*)—The Police stations at which such registered person is to report himself *en route* and at his destination.

(*e.*)—The probable dates of arrival at such stations.

(*f.*)—The period of absence sanctioned.

(*g.*)—The business on which such person is proceeding.

IX.—The officer in charge of the Police station within whose jurisdiction a registered person resides may, on due cause being shown, grant such person leave of absence for a reasonable period not exceeding fourteen days.

X.—If a registered person requires longer leave than fourteen days, the District Superintendent of Police or the Magistrate of the District may grant such leave of absence as may appear to him reasonable and sufficient.

XI.—The officer granting leave of absence shall cause a pass to be drawn up in duplicate, and shall sign and seal such duplicate copies. One copy shall be given to the registered person concerned, and the other copy shall be sent to the officer in charge of the Police station at the destination of the registered person through the officers in charge of those Police stations at which such person is to report himself.

XII.—All passes shall be written in English and in the vernacular of the district, or, if granted by the native Police officer, in the vernacular of the district only.

XIII.—The Magistrate of the District, or, if authorized by the Magistrate of the District in that behalf, the District Superintendent may order a roll-call of registered persons residing in any village or town.

Such roll-call may be taken either with or without previous intimation being given to the registered persons concerned.

On being informed by the village watchman, or otherwise, that the roll of registered persons is being called at a particular place, it shall be the duty of all such persons so informed to proceed to that place and answer to their names, and to remain in attendance until the officer calling the roll dispenses with their further attendance: provided that the place at which such persons are required to attend is in reasonable proximity to their residences.

XIV.—It shall be the duty of every registered person residing in a village or town to report himself or herself every evening to the headman or Police officer, as the case may be, appointed in that behalf by the Magistrate of the District, provided that the place at which such person is required to report himself or herself is in reasonable proximity to his or her residence.

Exc. I.—This rule is subject to the proviso to Rule VII.

Exc. II.—This rule does not apply to persons who have received passes so long as such passes are in force.

Exc. III.—This rule does not compel a report in person by persons incapacitated by illness or infirmity from so attending.

XV.—The Magistrate of the District or the District Superintendent of Police may at any time enter and inspect the residence of any registered person, and any house, building, tent, or enclosure, being within the village or limits prescribed for the residence of the criminal tribe, in which such person may be, or may be supposed to be.

Any Magistrate may exercise like authority on being empowered, either specially or generally, by the Magistrate of the District.

XVI.—The Magistrate of the District or the District Superintendent of Police may empower any of his subordinates not below the rank of a sergeant of Police, by a written order, to enter and inspect from time to time as he deems fit, or on a particular occasion, any house, building, tent, or enclosure, being within the village or limits prescribed for the residence of the criminal tribe, in which a registered person may be, or may reasonably be supposed to be, and to report the result of such inspection.

XVII.—After making or causing to be made an inspection, the Magistrate of the District may decide that any wall, hedge, palisade, step, ramp, stockade, tree, ditch, opening or moat which surrounds, or is in proximity to, the residence of a registered person, or which isolates or divides the quarter of any village or town chiefly inhabited by registered persons, is a contrivance for enabling the residents therein to conceal stolen property or to leave the place of residence without permission, and may direct the removal of any such contrivance for the said purposes from any house owned or occupied by registered persons.

XVIII.—The Magistrate of the District shall not erase or order the erasure of the name of a registered person unless and until—

(*a.*)—Such person proves that he does not belong to the criminal tribe, gang, or class to which he was alleged to belong, and that he does not belong to any other registered tribe, gang, or class; or—

(*b.*)—Such person proves that he has been, during the space of one year immediately preceding his application, and is, earning an honest livelihood.

XIX.—If the Magistrate of the District receiving the application is satisfied that such registered person does not belong to the criminal tribe, gang, or class to which he was alleged to belong, and that he is not a member of any registered tribe, gang, or class, he shall record the ground of his opinion and order the name of such person to be erased; or—

If the Magistrate of the District receiving the application is satisfied that such registered person has been and is earning an honest livelihood, he shall record the grounds of his opinion and pass an order exempting such person from the rules hereinbefore contained under parts (4), (5), (6), and (7), or may continue him under the surveillance of the Police for a further period of six months.

If not so satisfied, he shall reject the application.

XX.—If the Magistrate be not satisfied on one or other of the points specified in the preceding rule, he shall reject the application for the erasure of the applicant's name from the register.

XXI.—On the completion of such period of surveillance, the District Superintendent of Police shall submit a report on the conduct of such registered person to the Magistrate of the District, who may, after recording the grounds of his order, either—

(*a.*)—Discharge such person from the operation of the Act;

(*b.*)—Order that the surveillance be continued for a further period of six months;

(*c.*)—Or order that such person shall be subject to the Act and to all the rules.

XXII.—A person whose name has been removed from the register by order of the Magistrate of the District shall not be liable to be subsequently registered without the consent of such Magistrate, or of his successor in office.

XXIII.—When a registered person has been removed under the Act, and applies, under Section 16, for the erasure of his name, it shall be the duty of the Magistrate to whom the application is made to ascertain whether any similar application was made by such person in the district or place from which he was removed; and, if an application was so made, the proceedings taken thereunder shall be considered in deciding the application made in the district to which such person was removed.

RUPTURE OF THE SPLEEN.

BOOK CIRCULAR NO. VIII OF 1873.

Report on Rupture of the Spleen.

[Rupture of the spleen usually occurs from violence affecting the spleen when it is already diseased, but it may occur when the structure is quite healthy if the violence is very great, or it can happen without violence if the spleen is in a very diseased state when rupture has occurred either from muscular efforts or straining, coughing or vomiting, or even, it is stated, spontaneously in intermittent fever; but these cases are very rare. It is therefore of great importance to determine what was the condition of the spleen in all cases in which death has been caused by rupture of this substance.

When the spleen is ruptured by violence, the marks of that violence can sometimes be seen on the body, but not in all cases, since rupture of the spleen often produces death so rapidly that no effusion of blood can occur, and also sometimes the violence appears only to affect the spleen, and not to injure other parts.

It is therefore quite possible that the spleen should be ruptured by violence, and yet no evidence of injury be seen on the skin or other parts of the body.

The condition of the spleen previous to rupture can generally be determined by its size and consistency after death. A healthy spleen measures about 5 or 5½ inches long, 3 or 4 wide, and 1 to ½ thick, and it weighs about 6 ounces—varying from 4 to 8.

When the spleen is so diseased as to render a rupture from slight violence probable, it will often weigh from 10 to 30 ounces, and measure from 7 to 12 inches in length. The healthy spleen does not project beyond the ribs, but the diseased spleen does so,—often to considerable distance.

The consistency of the spleen when healthy is moderately firm, so that it may be cut with ease, leaving a sharp edge and smooth surface when divided, but in disease the spleen may become quite soft and pulpy or even diffluent so as to fall away like a thick liquid when the capsule is divided. This condition, however, may also occur from putrefaction of the body if kept long after death, or if the weather is very warm; and therefore these circumstances should also be ascertained.

The enlargement and softening of the spleen from disease is usually a result of previous attacks of intermittent fever or ague; it may also occur in other diseases, especially typhoid fever, scurvy, and purpura.

The part of the spleen which is usually ruptured is the concave or inner surface, and the extent of the rupture varies greatly; but death usually occurs more rapidly in proportion as the rupture is large and deeper. When the rupture is small, the patient may live several days, or may even recover entirely.

If the rupture is extensive, the person is usually incapable of moving from the place where the rupture occurred.

Lastly, in some instances the spleen is covered with a layer of membrane caused by previous attacks of inflamation; this may delay or even prevent death by limiting the rupture or preventing excessive breathing.

The questions therefore which appear necessary to ask in cases of death from rupture of the spleen are—

1st.—What appearances of external violence were perceptible on the body?

2nd.—What was the size and weight of the spleen after death?

3rd.—How far did it project beyond the ribs?

4th.—What was the consistency of the spleen—hard, firm, soft, pulpy or diffluent?

5th.—How long after death was the body examined, and what was the temperature of the air?

6th.—Was the body much putrefied?

7th.—What was the position of the rupture?

8th.—What was the length and depth of the rupture?

9th.—Is it your opinion that the rupture was caused by external violence or not; state your reasons for your opinion?

10th.—Were there any adhesions about the spleen; if so, were they older than the rupture or not?

SALES OF LAND REVENUE.

ACT XI OF 1859.

LVI. Any Collector or other officer as aforesaid conducting a sale under this Act shall be competent to punish any contempt committed in his presence in open cutcherry or office for the time being, by fine, to an extent not exceeding two hundred rupees, commutable, if not paid, to imprisonment in the civil gaol for a period not exceeding one month; and the Magistrate to whom such an offender may be sent by a Collector or other officer as aforesaid, shall carry his sentence into effect.

SARAIS AND PURAOS, N. W. P.

ACT XXII OF 1867.

II. In this Act, unless there be something repugnant in the subject or context—

"Sarai" means any building used for the shelter and accommodation of travellers, and includes, in any case in which only part of a building is used as a Sarai, the part

so used of such building. It also includes a Purao so far as the provisions of this Act are applicable thereto.

"Keeper of a Sarai" includes the owner and any person having or acting in the care or management thereof.

"Magistrate of the district" means the chief officer charged with the executive administration of a district in criminal matters, whatever may be his designation.

Words in the singular include the plural, and *vice versâ*. And in any place in which this Act shall operate "Local Government" shall mean the person administering Executive Government in such place, and shall include a Chief Commissioner and the Commissioner in Sind.

III. Within six months after this Act shall come into operation, the Magistrate of the district in which any Sarai to which this Act shall apply may be situate shall, and from time to time thereafter such Magistrate may, give to the keeper of every such sarai notice in writing of this Act, by leaving such notice for the keeper at the Sarai; and shall by such notice require the keeper to register the Sarai as by this Act provided. Such notice may be in the form in the schedule to this Act annexed or to the like effect.

IV. The Magistrate of the district shall keep a register in which shall be entered by such Magistrate, or such other person as he shall appoint in this behalf, the names and residences of the keepers of all Sarais within his Jurisdiction, and the situation of every such Sarai. No charge shall be made for making any such entry.

V. After one month after the giving of such notice to register as by this Act provided, the keeper of any Sarai or any other person shall not receive any lodger or allow any person, cattle, sheep, elephant, camel, or other animal, or any vehicle to halt or be placed in such Sarais until the same and the name and residence of the keeper thereof shall have been registered as by this Act provided.

VI. The Magistrate of the district may, if he shall think fit, refuse to register as the keeper of a Sarai a person who does not produce a certificate of character in such form and signed by such persons as the Local Government shall from time to time direct.

VII. The keeper of a Sarai shall be bound—

(1.) When any person in such Sarai is ill of any infectious or contagious disease, or dies of such disease, to give immediate notice thereof to the nearest Police station.

(2.) At all times when required by any Magistrate or any other person duly authorized by the Magistrate of the district in this behalf, to give him free access to the Sarai, and allow him to inspect the same or any part thereof.

(3.) To thoroughly cleanse the rooms and verandahs and drains of the Sarai, and the wells, tanks, or other sources from which water is obtained for the persons or animals using it, to the satisfaction of and so often as shall be required by the Magistrate of the district, or such person as he shall appoint in this behalf.

(4.) To remove all noxious vegetation on or near the Sarai, and all trees and branches of trees capable of affording to thieves means of entering or leaving the Sarai.

(5.) To keep the gates, walls, fences, roof, and drains of the Sarai in repair.

(6.) To provide such number of watchmen as may, in the opinion of the Magistrate of the district, subject to such rules as the Local Government may prescribe in this behalf, be necessary for the safety and protection of persons and animals or vehicles lodging in, halting at, or placed in the Sarai; and

(7.) To exhibit a list of charges for the use of the Sarai at such place and in such form and languages as the Magistrate of the district shall from time to time direct.

VIII. The keeper of a Sarai shall from time to time, if required so to do by an order of the Magistrate of the district served upon him, report either orally or in writing as may be directed by the Magistrate, to such Magistrate or to such person as the Magistrate shall appoint, every person who resorted to such Sarai during the preceding day or night. If written reports are required for any space of time

exceeding a single day or night, schedules shall be furnished by the Magistrate of the district to the keeper. The keeper shall from time to time fill up the said schedules with the information so required, and transmit them to the said Magistrate, in such manner and at such intervals as may from time to time be ordered by him.

IX. If any Sarai, by reason of abandonment or of disputed ownership, shall remain untenanted, and thereby become a resort of idle and disorderly persons, or become in a filthy or unwholesome state, or be complained of by any two or more of the neighbours as a nuisance, the Magistrate of the district, after due enquiry, may cause notice in writing to be given to the owner, or to the person claiming to be the owner, if he be known and resident within the district, and may also cause such notice to be put on some conspicuous part of the sarai, requiring the persons concerned therein, whoever they may be, to secure, enclose, clean, or clear the same; and if such requisition shall not be complied with within eight days, the Magistrate of the district may cause the necessary work to be executed, and all expenses thereby incurred shall be paid by the owner of the Sarai, and shall be recoverable like penalties under this Act, or in case of abandonment or disputed ownership of the Sarai, by the sale of any material found therein.

X. If a Sarai or any part thereof be deemed by the Magistrate of the district to be in a ruinous state, or likely to fall, or in any way dangerous to the persons or animals lodging in or halting at the Sarai, he shall give notice in writing to the keeper of the Sarai, requiring him forthwith to take down, repair, or secure (as the case may be) the Sarai or such part thereof as the case may require. If the keeper do not begin to take down, repair or secure the Sarai or such part as aforesaid within three days after such notice, and complete such work with due diligence, the Magistrate shall cause all or so much of the Sarai as he shall think necessary to be taken down, repaired, or otherwise secured. All the expences so incurred by the Magistrate shall be paid by the keeper of the Sarai, and shall be recoverable from him as hereinafter mentioned.

XI. If any such Sarai or any part thereof be taken down by virtue of the powers aforesaid, the Magistrate of the district may sell the materials thereof, or so much of the same as shall be taken down under the provisions of the last preceding section, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore the overplus (if any) arising from such sale to the owner of such Sarai on demand, and may recover the deficiency (if any) as if the amount thereof were a penalty under this Act.

XII. Whoever, being the keeper of any Sarai suffers the same to be in a filthy and unwholesome state, or overgrown with vegetation, or after the expiration of two days from the time of his receiving notice in writing from the Magistrate of the district to cleanse or clear the same, or after he shall have been convicted of suffering the same to be in such state or so overgrown as aforesaid, shall allow the same to continue in such state, or so overgrown, shall be liable to the penalties provided in Section 14 of this Act. Provided that the Magistrate of the district may, in lieu of enforcing such daily penalty, enter on and cleanse or clear the said Sarai, and the expense incurred by the Magistrate in respect thereof shall be paid to him by the keeper, and shall be recoverable as by this Act provided in the case of penalties.

XIII. The Local Government may from time to time make regulations for the better attainment of the objects of this Act, provided that such rules be not inconsistent with this Act or with any other law for the time being in force, and may from time to time repeal, alter, and add to the same. All regulations made under this Act, and all repeals thereof, and alternations, and additions thereto, shall be published in the local Official Gazette.

XIV. Provided always, that this Act shall not exempt any person from any penalty or other liability to which he may be subject irrespective of this Act.

XV. Where a keeper of a Sarai is convicted of a third offence under this Act, he shall not afterwards act as keeper of a Sarai without the license in writing of the Magistrate of the district, who may either withhold such license or grant the same on such terms and conditions as he may think fit.

XVI. No part of this Act, except Section 8, shall apply to any Sarai which may be under the direct management of the Local Government or of any Municipal Committee.

XVII. This Act shall, in the first instance, extend only to the territories under the Government of the Lieutenant-Governor of the North-West Provinces of the Presidency of Fort William in Bengal. But it shall be lawful for the Local Government, by notification in the local Gazette, to extend this Act, *mutatis mutandis*, to any other part of the territories which are or may be vested in Her Majesty or Her Successors by the Statute 21 and 22 Vict., cap. 106.

In the Punjab

All Sarais should be daily visited by the Police, some notice being taken of the general appearance of wayfarers, which frequently proves useful, although suspicious characters rarely give reliable accounts of themselves or their real names.

Schedule of Offences punishable under Act XXII of 1867.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
14	Keeper of a Sarai offending against any provision of this Act or any Regulation made in pursuance of it.	Any person.	N. C.	S.	B.	Penalty not exceeding Rs. 20, and further penalty not exceeding Re. 1 a day for every day of continued offence. See also s. 12.	Any Magistrate.	Fines recovered as under C. P. C.

SESSIONS RULES.

CHIEF COURT, PANJAB.

Book Circular No. I.—87 *of* 1873.

1. The Chief Court annex a revised form which is to be used in all future commitments to Courts of Session.

2. The calendar has been filled in so as to serve as a model, and requires no further explanation.

3. The reasons for commitment required by the Code of Criminal Procedure may be written either on the calendar sheet or on a separate sheet as may be most convenient.

4. The papers which, upon a commitment being made, will have to be transmitted to the Court of Session will be—

a. Copy of charge.
b. Calendar.
c. Reasons for commitment.
d. Record of original enquiry.

Besides these any weapon or other article of property necessary to produce in evidence must be sent.

5. The papers to be transferred to the Sessions file from the record of original enquiry are briefly those received in evidence by the Sessions Court.

The following is a list of the papers which will ordinarily have to be transferred :—

a. Evidence of medical witness.
b. Report of Chemical Examiner.
c. Examination of accused before Magistrate.
d. Evidence of present witness recorded at preliminary enquiry, when Sessions Judge grounds his judgment thereon.
e. Certificate of previous acquittal or conviction.
f. Confession of accused when relevant.
g. Statement of persons who cannot be called as witnesses, including dying declaration.

Such papers will be transferred in the Sessions Court, and an endorsement to that effect will be made upon each.

6. In case of commitments by Native Magistrates, the calendar shall be written in the vernacular of the Court and so submitted.

Case committed to the Sessions Court of the Commissioner of Amritsar, by the Assistant Commissioner of Amritsar, on the 1st day of July 1872.

1	2	3	4	5	6	7
Prisoner's Name, Parentage, Caste, Residence.	Offence charged, with Law applicable and Date of Commission.	Date of Apprehension.	Whether in Prison or on Bail.	Witnesses for Prosecution, with a brief Indication of the Nature of Evidence shown against Name of each.	Material Evidence, *i. e.* Weapon, Clothes, &c.	Witnesses for Defence.
I.—Sona Singh, son of Roda; caste, Rajput; residence, Aliwal, Amritsar District; age 40. II.—Alla Sing, son of Lehna Sing; caste, Jat; residence. Tung, Amritsar District; age 42. III—Bulaki, son of Gulaba; caste, Jutalia; residence, Aliwal, Amritsar District; age 30.	*Against I & II.* Murder of Nika Singh on 25th June 1872; Section 302, Indian Penal Code. *Against III.* Furnishing false information to public servant (Section 177, Indian Penal Code) on 25th June.	*I.* 25th June. *II and III.* 26th June.	*I & II.* In prison. *III.* On Bail.	1. Dr. A. B., Civil Surgeon—to cause of death. 2. Devi Ditta, son of deceased—Eye-witness of murder; identifies body. 3. Pertab Singh—to finding of ear-ring, and finding and identity of bloody knife, and identity of body. 4. Gurbaksh, 5. Gulaba, son of Mohomda, } Eye-witnesses 6. Bahadur, 7. Dyal Singh, } To finding and identity of bloody garment, and to apprehension of accused I and II. 8. Ahmed Baksh, Constable, } Apprehended the two accused; was present when bloody garment was found; received No. III's report. 9. Ram Dass. 10. Narain Singh, } Hearing a cry ran to spot, saw two accuseds, I and II, running away; heard deceased's dying declaration. 11. Din Muhammad, } Helped to carry body to the Saddar; witness to enmity. 12. Mussummat Jewni—identifies ear-ring, 13. Gulaba, son of Ghulam—identifies ear-ring. 14. Jhanda—identifies bloody knife. 15. Alladin—saw deceased in company of prisoners I and II. 16. Bansidhar, 17. Sant Singh, } To character.	Bloody knife; ear-ring; bloody garment.	FACT. *Prisoners I. & II.* Sheo Bhagat; Gung Pershad Devi Din. CHARACTER Budh Singh; Mohomda.

SESSIONS COURT—DUTIES OF POLICE IN N. W. P.

21. On all days appointed for the disposal of a criminal trial by Sessions Judges, the District Superintendent will arrange for the deputation of a party of Police under charge of a competent officer sufficient to keep order in the Court, as well as to take custody of the prisoners to be arraigned, and charge of the witnesses to be in attendance; and he will see that the Inspector, who is to observe the prosecution, and see that all the evidence against the accused is brought on record, is informed of every feature in the case.

22. The same rule will be observed by the District Superintendent in stations, not the usual place of residence, but occasionally visited by the Sessions Judge on circuit duty.

The District Superintendent or an Assistant is to attend at the Judges' Courts during sessions trials. In the event of the inability of either officer to attend, an intelligent Inspector should be deputed with instructions to watch the conduct of cases, and to note any circumstances that may be brought forward affecting the Police.

SPECIAL DIARY (LOWER BENGAL).

REGISTER No. 19.

This diary is submitted under Section 126, Code of Criminal Procedure, and is a separate record from the station diary, which is kept under Section 45, Act V of 1861.

2. The diary prescribed should be a complete record of the proceedings of a Police officer conducting the inquiry. Section 126 provides that such diary should show the time at which the complaint or other information reached him, the time at which he began and closed his inquiry, the place or places visited by him, and a statement of the circumstances elicited by his enquiry. This statement should set forth the particulars of all house-searches with names of witnesses in whose presence search was made, by whom, at what hour, and in what place arrests were made; in what spot property was found; and of what description; what facts are deposed to by each witness; on what points further evidence is necessary; and what further steps are being taken in view to the completion of the inquiry.

3. These diaries, though they are not evidence of the facts stated therein, except against the Police officer who made them, are yet, when regularly kept, of the greatest use in enabling the Magistrate to test the value of the testimony of the witnesses, to establish dates, and to supply the basis of a cross-examination. In cases when the Police inquiry has extended over several days, and the credibility of any of the witnesses is doubtful, a careful inspection of the diary is often found necessary by a Magistrate; and any departure from the requirements of the law or the preparation and punctual submission of the daily diary will affect the case most prejudicially. Proof of despatch of the diary day by day affords the only security against the contents being ante-dated.

4. In recording the statements of witnesses, Police officers must be guided by the provisions of Section 119, Code of Criminal Procedure, and special attention is drawn to the rules regarding evidence issued in the note on the above section (Police Circular No. 2 of 1870). Every Police officer should be well acquainted with these rules.

5. Police officers should also bear in mind the provisions of the law in respect to confessions made by accused persons (Section 120, Code of Criminal Procedure and Section 27, Act I of 1872). No confession of guilt made to, or while in the custody of, a Police officer can be put in evidence against a person accused of any offence, unless it be made in the immediate presence of a Magistrate; but when a fact, more or less remotely tending to criminate the accused, has been discovered by a Police officer,

in consequence of information received from such accused, so much of the confession of guilt as relates distinctly to the fact discovered by it may be received as evidence. Under the prohibition contained in Section 120, no part of such evidence is admissible, when the confession has been elicited by threats, promises, or other inducements. The statement of an accused person should always find place in a Special Diary. If he makes an admission of guilt, it should be reduced into writing under the provisions of Section 121; if he denies his guilt and names witnesses, such witnesses should be interrogated, and their statements recorded. An accused person should be heard as patiently as a prosecutor, and the Police officer should record in his diary any facts or statements which tend to establish the innocence of any person whose acts are the subject of inquiry.

6. A Special Diary should be written up as inquiry progresses, and not at the end of each day. The hour of each entry should be given in the column on the extreme left.

7. At the close of each day a fair copy should be made and despatched to the sub-district Police officer direct. The rough copies will be filed at the Police station. Two or more days' diaries should never be written on one sheet, or despatched together.

8. Two or more cases should never be reported in one diary; a separate diary should be submitted in each case.

9. A Special Diary should be submitted in every case even although the inquiry may be completed, and final report made within a few hours of the date of first information.

10. In cases in which property has been stolen, but no correct list of such property furnished by the informant at the time of making the complaint, the officer holding the inquiry should require the prosecutor to furnish such list, duly signed, and should attach such list to his first Special Diary, retaining a copy for his own use.

11. In heinous cases (see 14th rule concerning First Information Report)* and others in which it may appear necessary, the sub-district officer will at once forward with his remarks the Special Diaries of the District Superintendent. In all other cases they will remain with the sub-district Police officer until the conclusion of the case, and will then be sent with the court officer's memorandum showing the result of trial (Form No. 26) to the office of District Superintendent to be filed. Important matter reported in Special Diaries of ordinary cases should always find place in the daily report from sub-district to District Superintendents.

12. In heinous cases occurring in subdivisions where the delay caused by the transmission of Special Diaries to District Superintendents through subdivisional officers is likely to interfere with the proper control and supervision due from the District Superintendent, a copy of the Special Diary should be forwarded direct to the District Superintendent by the officer conducting the inquiry.

13. If on the trial the Magistrate or Judge requiries the production of the Special Diaries, they must be sent in. If the Police officer who made the diary be examined on its contents, he may refresh his memory by looking at the diary while under examination.

14. In order to illustrate clearly the manner in which a Special Diary should be prepared, an exemplar diary is annexed.

* See pp. 84, &c.

SPECIMEN FORM No. 35.

Special Diary from the Station of Naraingunge.

Date of Special Diary.	Number and Month of First Information Report.	Name of Prosecutor.	Name of Accused.	Description of Case with Section under which it falls.	Value of Property stolen.	Value of Stolen Property recovered up to Date of Diary.	Names of Persons arrested and sent up for Trial up to Date of Diary.	Names of Persons arrested and released on Bail under Section 126, Code of Criminal Procedure, up to Date.	Form in which final Report has been made.	REMARKS.
1861 11th Aug.	No. 6 of Aug.	Boodhoo Carpenter, of village Budaon.	Dabeeden Brahmin and Nain Sook Koormee.	Murder of prosecutor's brother Sook Lall, s. 302 Penal Code.	Rs. 16 worth of jewels.	Rs. 16 worth of jewels.	Dabeeden Brahmin and Nain Sook Koormee.	.....	A Form.	

8 A.M.—Boodhoo, prosecutor, came to the station, and reported that his brother, Sook Lall, had left his house on the previous evening to visit a neighbour, and not returning during the night, messenger was sent to inquire about him. The messenger (Ram Lall Gorait) came back and reported to Boodhoo that the body of Sook Lall was lying by the side of the road with the head laid open by a sword-cut. Therefore he, the prosecutor, demanded inquiry.

8-30 A.M.—I, Narain Lall, sub-inspector, started for the spot.

9-30 A.M.—I arrived in the village and commenced inquiries. The body, which had three sword-cuts on it, was first made the subject of an inquest under s. 133, Code of Criminal Procedure (the report duly signed is annexed), and then sent in the custody of constable Asgur Ally to the Civil Surgeon for examination. The usual challans were sent with the corpse.

10 A.M.—Ram Lall Gorait deposed to going in search of deceased, and finding the body.

10-25 A.M.—Inspector Mahomed Hosscin arrived and took over the investigation. I returned to police station.

(Signed) NARAIN LALL,
Sub-Inspector.

On arriving, I, Mahomed Hossein, inspector, took charge of this case. In the course of inquiries I found that deceased had an intrigue with the wife of Dabeedeen Brahmin, living in a hamlet about 600 yards from the village where deceased resides, and that deceased left his house last evening with the intention of meeting Dabeedeen's wife. I therefore suspect that Dabeedeen is implicated.

4 P.M.—Ascertained from Dabee Kahar that Dabeedeen and Nain Sook were following deceased to vards the village of the latter, and that these two men were armed, one with a sword, the other with a gurrasa. I therefore searched the houses of these two men in the presence of themselves and Jadub Chunder Mookerjee and Lall Mohun Dutt, two respectable inhabitants of the place. The arms indicated by Dabee were found buried in an inner room in Dabeedeen's house, both of them stained with blood; a blood-stained dhotee was also found hidden in the thatch of the same building. Both of the suspected persons were arrested and kept in the custody of the chowkeedars of the village. Ram Lall Gorait identified the gurrasa as belonging to Nain Sook. He also recognized the sword. Bihari Dhoobee stated that he had frequently washed the dhotee for Dabeedeen. I carefully wrapped paper round the sword and gurrasa head to preserve the stains of blood.

5 P.M.—Nain Sook volunteered to reveal the truth. He said that Dabeedeen had committed the murder because he had that evening found deceased playing with his wife; that they took two silver haslis from the body of deceased that it might appear that he had been robbed, and that they had been buried by him and Dabeedeen under a bush in Dabeedeen's field.

5-30 A.M.—I, the inspector, taking the prisoners and Lalljee, Sreekishen, and Thakoor Pershad, zemindars and residents of Goohnea, made search in the field, and found the two haslis buried as indicated. The ornaments were identified by the prosecutor, and they were then carefully labelled andnumbered. An accurate list of them will be found in column 8 of the charge sheet. Dabeedeen's wife admits that deceased came to see her the evening of his death, she said her husband returned home suddenly and found them together. Deceased then left her house, and her husband, digging up his sword from the ground, where he had buried it for concealment, followed deceased, attended by Nain Sook, his servant; the latter carried a gurrasa.

6 P.M.—Inquiry completed. Prepared Charge Sheet and despatched it with the two prisoners, forwarding also the two haslis, the sword, gurrasa and blood-stained cloth in custody of constables Puran Sing and Sobhan Khan. The constables were instructed to lodge the prisoners at the station for the night, and proceed to head-quarters in the morning. Security bonds for appearance before the Court on the 13th instant have been taken from prosecutor and witnesses, and are attached to the short despatch (s. 124 Code of Criminal Procedure) sent with the prisoners.

(Signed) MAHOMED HOSSEIN,
Inspector.

STAGE CARRIAGES.

ACT XVI OF 1861.

I. Every carriage drawn by one or more horses which shall ordinarily be used for the purpose of conveying passengers for hire to or from any place in British India, shall, without regard to the form or construction of such carriage, be deemed to be a stage carriage within the meaning of this Act. Provided that this Act shall not apply to carriages not ordinarily used for journeys of a greater distance than twenty miles.

II. No carriage shall be used as a stage carriage unless licensed by a Magistrate or by the Chief Commissioner of Police of a Presidency town.

III. The Magistrate or Chief Commissioner of Police, to whom the application for a license of a stage carriage is made, may refuse to license the same, if he shall be of opinion that such stage carriage is unserviceable or is unsafe or unfit for public accommodation or use. If a Magistrate or Chief Commissioner of Police as aforesaid shall grant a license, the license shall set forth the number thereof, the name and residence of the proprietor of the stage carriage, the place at which his head office is held, the largest number of passengers and the greatest weight of luggage to be carried in or on such carriage, the number of horses by which such carriage is to be drawn, and the name of the place at which such carriage is licensed.

IV. For every such license there shall be paid by the proprietor of the stage carriage the sum of five rupees, and such license shall be in force for one year from the date thereof. When a licensed stage carriage is transferred to a new proprietor within the year, the name of such new proprietor shall, on application to that effect, be substituted in the license for the name of the former proprietor without any further payment for that year, and every person who appears by the license to be the proprietor, shall be deemed to be such proprietor for all the purposes of this Act.

V. On any stage carriage being licensed, the proprietor thereof shall cause the number of the license and all the other particulars of the license to be distinctly painted in the English language and character upon a conspicuous part of such stage carriage.

X. Any Magistrate or Chief Commissioner of Police within the local limits of whose jurisdiction any stage carriage shall ply, or who has granted the license of any stage carriage, may cancel the license of such stage carriage if it shall appear to him that such stage carriage or any horse or any harness used with such carriage is unserviceable or unsafe, or otherwise unfit for public accommodation or use.

XI. In any station or place in which a Magistrate shall reside and be, any Police officer may, in any place within two miles of the office of such Magistrate, seize any stage carriage with the horse harnessed thereto, if the full particulars of the license of such stage carriage be not distinctly painted on such stage carriage in the manner provided in Section V of this Act. Such carriage, with the horse harnessed thereto, shall be taken without delay by such Police officer before such Magistrate, who shall forthwith proceed to hear and determine the complaint of such Police officer; and if thereupon any fine is imposed by such Magistrate and such fine is paid, such stage carriage and horse shall be immediately released; and if such fine be not paid, such stage carriage and horse may be detained for twenty days as security for the payment thereof; and if the fine be not sooner paid, they may be sold and the proceeds applied (so far as they extend) to the payment of the said fine and all costs and charges incurred on account of the detention and sale; and the surplus if any, when claimed, shall be paid to the proprietor of such carriage and horse; and if such surplus be not claimed within a further period of two months from such sale, the same shall be forfeited to the State. If the proceeds of the sale do not fully pay the fine and costs and charges aforesaid, the balance may be recovered as hereinafter provided.

XIII. Whenever the driver of any stage carriage or the owner of any horse employed in drawing any stage carriage shall have committed any offence against this Act for the commission whereof any penalty is by this Act imposed, other than

an offence specified in Section VIII, and such driver or owner shall not be known, or being known cannot be found, or if the penalty cannot be recovered from such driver or owner, the proprietor of such carriage shall be liable to every such penalty, as if he had been the driver of such carriage or owner of such horse at the time when such offence was committed. Provided that if any such proprietor shall make out, to the satisfaction of the Magistrate before whom any complaint or information shall be heard by sufficient evidence, that the offence was committed by such driver or owner, without the privity or knowledge of such proprietor, and that no profit, advantage, or benefit, either, directly or indirectly, has accrued or can accrue to such proprietor therefrom, and that he has used his endeavour to find out such driver or owner, and has done all that is in his power to recover the amount of the penalty from him, the Magistrate may discharge the proprietor from such penalty, and shall levy the same upon such driver or owner when found.

XIV Whenever any charge is made before any Magistrate of any offence under this Act on which it is necessary to issue a summons to the proprietor of a stage carriage, the Magistrate shall issue such summons directed to such proprietor or his nearest agent, and may transmit such summons by letter-post, which shall be deemed to be good service thereof. The letter shall be registered at the Post Office, and the cost of the registration shall be borne by the Government in the first instance, but may be charged as costs in the case. The summons shall allow a reasonable time, in reference to the distance to which the summons is sent, for the appearance of such proprietor or his agent as aforesaid.

XVI. All penalties imposed under this Act, or any balance of any fine, costs, or charges, as mentioned in Section XI of this Act, may in case of non-payment or non-recovery thereof, be levied by distress and sale of the moveable property of the offender by warrant under the hand of the Magistrate who imposed the same.

XVII. In case any such penalties shall not be forthwith paid, such Magistrate may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such Magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

XVIII. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such penalty, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Magistrate by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such penalty could be levied if warrant of distress were issued, such Magistrate may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned according to the discretion of such officer, for any term not exceeding two calendar months when the amount of penalty shall not exceed fifty rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XIX. If the offender shall be a European British subject, the Magistrate shall record the facts and transmit such record to the District Court of the district wherein the offender is convicted, and the amount of penalty and the costs (if any) shall be levied in the manner provided for the execution of the decree of the civil court.

XX. On complaint made before any Magistrate of any offence committed under this Act, it shall not be necessary to prove that the offence was committed within the local limits of such Magistrate or other officer.

XXI. The term "British India" in this Act shall denote the territories that are or shall be vested in Her Majesty by the Statute 21 and 22 Vic., c. 106, entitled "an Act for the better government of India."

The term "horse" shall include ponies and mules.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include the feminine.

Schedule of Offences punishable under Act XVI of 1871.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
6	Proprietor of a licensed stage carriage letting such stage carriage for hire without particulars specified in s. 3, being painted on such carriage as directed by s. 5.	Any person.	N. C. See s. 11.	S.	B.	Fine not exceeding Rs. 100 ...	Any Magistrate or person exercising powers of Magistrate of 1st class.	All orders under this Act final. See also ss. 12, 13.
7	Letting for hire any stage carriage without the same being licensed as provided by this Act.	"	N. C.	"	"	First conviction, fine not exceeding Rs. 100; subsequent conviction, fine not exceeding Rs. 500.		
8	Any proprietor or agent of proprietor or driver of licensed stage carriage knowingly permitting such carriage to be drawn by less number of horses,* or knowingly permitting large number of passengers or greater weight of luggage to be carried by such stage carriage than shall be proved by the license.	"	"	"	"	Ditto.		

9	Any person cruelly beating, ill-treating, over-driving, abusing, torturing, or causing, or procuring to be cruelly beaten, ill-treated, over-driven, abused, or tortured, any horse employed in drawing or harnessed to any stage carriage, or who shall harness to or drive in any stage carriage, any horse* which from sickness, age, wounds, or other cause is unfit to be driven in such stage carriage.	"	"	"	"	For every such offence, fine not exceeding Rs. 100.	Any Magistrate.	Ditto. * See s. 21.
12	Any driver of any stage carriage or any other person having the care thereof, through intoxication, neglect or by wanton or furious driving, or by any other misconduct endangering the safety of any passenger or other person, or injuring or endangering the property of the proprietor of any such carriage or of any other person.	"	"	"	"	Fine not exceeding Rs. 100 ...	Ditto.	

RULES FOR STAGE CARRIAGES IN N. W. P.

In granting licenses, Magistrate should limit the number of passengers for each carriage to two inside and one outside, and the amount of luggage to be taken whether by one, two, or three passengers, to 250 lbs in all.

2. The following rules should be added in a foot-note to license A :—

1.—"The maximum weight allowed is to include luggage and bedding, whether placed within the carriage or outside."

2.—"One child under four years of age shall not be reckoned as a passenger; if "there be two children under four years of age, they shall be reckoned as half an "adult. One child above four and not more than eight shall be reckoned as half an "adult, and two such as one adult. All children above eight years of age shall "reckon as adult passengers"—1058 *A. of* 1862, *N. W. P.*

2. I therefore forward a copy of rules which the Lieutenant-Governor desires may, in future, be observed by Magistrates when granting stage carriage licenses.

3. If these rules are assiduously and discreetly enforced, a great improvement in the comfort and convenience of dâk travellers will result, while the cruelty with which it is feared that dâk horses are now too often treated will be materially mitigated.

4. But no regulations will prove effective unless put into practical execution by the frequent inspection of Police or other officers, and by prompt and judicious application of the ample penalties provided in Act XVI of 1861.

Rules prescribed by Government for enforcing the provisions of Act XVI of 1861 *in the North-Western Provinces.*

I.—No four-wheeled vehicle, to be used as a stage carriage, shall be licensed to be drawn by less than two horses, ponies, or mules.

II.—No such carriage shall be licensed to carry more than 4 passengers and 4 maunds of luggage.

III.—Every person, other than the coachman and one syce, who is conveyed on a carriage, is considered to be a passenger.

IV.—Every stage carriage shall, before being licensed, be inspected by the Magistrate who grants the license, or other officer appointed to inspect such carriages; and if the wheels, doors, windows or any other part of such carriage are found to be in a weak or dilapidated condition, or its cushions or lining dirty or torn, it shall be considered unfit for use, and license shall be refused.

V.—If a carriage is found at any subsequent period defective in any of the above particulars, and after due notice is not put into thorough order, the license will be withdrawn.

VI.—Any person who drives, or causes to be driven, any horse, pony, or mule, in any licensed carriage for a longer distance than two stages of six miles each, within 24 hours, shall be considered to have over-driven such animal.

VII.—No animal with galled shoulders or other open wounds, or which goes lame, or is weak, broken-winded, or otherwise in bad condition, will be considered serviceable and fit for public use; and any person driving or causing to be driven any such animal before it has been certified by competent authority to be again fit for use, will be punishable under Act XVI of 1861.

VIII.—Every animal employed in a licensed carriage must be provided with a properly fitting chest-band or collar; any animal not so fitted will be considered as used with unserviceable harness, and the proprietor of any stage carriage in which such animal is employed will be liable to cancelment of its license.

XI.—Magistrates will keep up a register showing the following details:—

(1.) Name and residence of any person or Company running stage carriages in his district.

(2.) Name of each staging-place in the district.

(3.) Number of animals kept by the said person or Company at each such stage.

(4.) State of the animals at each stage when inspected.

Note.—Inspections should, if possible, be made weekly, specially in the busy season.

X.—Any proprietor, agent, or driver of a carriage, who knowingly permits it to be drawn by a less number of horses than is specified in the license, or to carry more passengers or luggage than is provided in the license, is liable for the first offence to a fine of Rs. 100, and for any subsequent offence to a fine of Rs. 500. And the proprietor of any such carriage shall be held to have knowingly permitted such offence, unless he can be shown to have taken every reasonable precaution and to have made reasonable provision to prevent its commission.

XI.—The roads or lines of traffic upon which stage carriages are to be used be specified in the license.

XII.—Stage carriages shall ordinarily be licensed only at the head-quarters of the proprietor or Company to whom they belong. When otherwise, Magistrates shall, before granting the license, ascertain from the head-quarters district the number of carriages already licensed, and the number of horses provided at each stage; and unless it be shown that arrangements have been made for a sufficient number of horses to draw the carriages, licenses shall be refused.

XIII.—Every person applying for a license shall give the name or names of the chief responsible person or agent at every place on the line where passengers can be booked. The names to be entered in the Magistrate's register.

OUDH GOVERNMENT.

POLICE CIRCULAR No. $\frac{19}{61}$ OF 1870.

Rules for enforcing the provisions of Act XVI of 1861.

The Oudh Government have directed that the rules prescribed by Government for enforcing the provisions of Act XVI of 1861 in the North-Western Provinces be in future observed in Oudh.

STAGE CARRIAGE RULES, PANJAB.

POLICE CIRCULAR MEMO. 189A OF 1868.

1. A carriage licensed for one horse shall be licensed to carry no more than one passenger and 80 maunds of luggage; for two horses, 3 passengers and 240lbs. of luggage, or 4 passengers and 120lbs. of luggage.

2. If Magistrate think that carriage or horse and harness used therewith is unserviceable or unsafe, the license is liable to be cancelled.

3. No stage carriage of which doors or shutters are insecure, or lining or cushions in a torn or filthy condition, or which is without splashboard and guards over the wheel, will be considered serviceable and fit for public accommodation, and employment of such carriage will entail cancelment of license.

4. Same as rule VII in North-West Provinces, only after "condition" insert "or that is less than 13 hands high, or that in the preceding 24 hours has been driven more than two stages of six miles will be considered serviceable and fit for public use: employing such animal will expose licensee of the carriage to cancelment of license."

5. Same as Rule VIII, North-West Provinces.

6. Same as ditto X, ditto.

7. Same as section 9 of the Act (see schedule): only there should be added to it "drivers, proprietors, or agents who drive or cause to be driven in a licensed carriage, any horse for more than two stages of six miles within the space of 24 hours will be considered to have cruelly ill-treated and such horse within the provision of that section."

Circular 72 *of* 1861, *dated* 30*th August*.—This Act will *at present* apply only to Dâk Companies, and not to the owners of "Ekkas," who are excluded from the operaiton.

Circular 33 *of* 1864, *dated* 3*rd November*.—The following case and ruling thereon by the Judicial Commissioner are published for the guidance of Police officers:—

"A mail van was found, by a police officer, standing about a mile from a staging chowkee, the horse lying dead, and bearing marks of having been literally beaten to death. There were four men at the time with the van; the police officer arrested one of them, under section 34, Act V of 1861, and took him before the Magistrate."

The Government notification extending the provisions of this section is worded "extended to all sudder and out-stations, and all cities and towns adjacent to them."

The Judical Commissioner was asked—

I. Does "station" mean a police station, or a station the head-quarters of a Magistrate, Assistant Commissioner, or Tehseeldar?
II. What distance would constitute "adjacency?"
III. Was the arrest legal?
IV. What villages may fairly be denominated "towns?"

Ruling by Judicial Commissioner.

I am of opinion that the words "on any road" in Section 34 of Act V of 1861 mean any public or high road; and that the arrest by the Police officer in the case mentioned by you, and which occurred between * * * and * * * was quite legal.

2. The word "station" in the Government notification means the station of a Magistrate, or an Assistant Magistrate, but not a Police station.

3. "Adjacent" means contiguous; *e. g.*, the city of Lahore is adjacent to the station of Anarkullee.

4. Large villages known as "Qusbahs" are towns.

MEMO. BY JUDICIAL COMMISSIONER.

I am of opinion that the words "on any road" in Section 34 of Act V of 1861 have no reference to a city or town, but that they mean any "*public or high road*," and that the Police would be justified in making an arrest on any part of such public or high road.

By this ruling of the Judicial Commissioner, a Police officer may arrest on any part of any public or high road, any person, who within his view, wantonly or cruelly beats, abuses, or tortures any animal. In order that the convenience of passengers may be consulted, arrests of syces or horse-owners should only be effected at the dak horse-chowkeys, where another man can easily be obtained, and arrested coachmen and syces should be admitted to bail without delay, if they be able to give it.

If a Policeman observes wounded horses at a chowkey, he should enquire whether they have been recently driven; if any evidence is forthcoming, either from witnesses or from the fact of a horse being led back with harness on, covered with perspiration, he should, as provided in Section XXIV of Act V of 1861, lay information of an offence having been committed under Section IX of Act XVI of 1861.

Deputy Inspectors in charge of stations, on the grand trunk road, should be called upon to furnish the information required in the first column of the return attached to the Secretary's circular, and the European officers of Police when visiting such stations should ascertain the correctness of the information received.

N. W. P. STAGING BUNGALOWS.

At all other stations save in the Doon and in Kumaon, it is considered that the following establishment, &c., only can be sanctioned:—

One khansamah at	Rs. 6
One sweeper, who should also be chowkeedar	Rs. 3 or 4
Tinning utensils	Annas 8

Any further establishment required by travellers should be paid for by them.

7. Office establishment is quite unnecessary, and its entertainment is prohibited.

8. The Staging Bungalow and Ferry Funds should be amalgamated in the District Budgets. It will be necessary, however, to submit yearly, with the lists of ferries, the actual receipts from each bungalow, with the actual expenditure shown against it.

PANJAB STAGING BUNGALOWS.

Police Circular 6 of 1870.

The bungalows are placed in charge of the civil officer of district: the newar on the cots of them should be washed, new water vessels and gogglets supplied once every quarter; window-blinds attached to the bath-rooms; durrees on the floors washed every six months and taken out and aired at least once a week; the matting also to be taken up; servants warned to be civil and clean in their apparel: bungalows to be white-washed twice a year; petty repairs done by civil officer, and for large ones, help from Executive Engineer asked.

STAMP ACT, XVIII, 1869.

CHAPTER I.

Preliminary.

I. It extends to the whole of British India.

II. On and after that day, the enactments specified in the third schedule hereto annexed shall be repealed to the extent specified in the third column of the same schedule.

III. In this Act and the first and second schedules hereto annexed, unless there be something repugnant in the subject or context—

(1) "Affidavit" includes every declaration in writing, on oath or affirmation, made before a person authorized by law to administer an oath:

(2) "Award" includes every decision in writing by an arbitrator or umpire:

(3) "Bill of Exchange" includes a hundi and every other instrument (except a cheque) whereby a person is ordered to pay to another a specified sum of money:

(4) "Bill of Lading" includes every instrument signed by the owner of a ship or his agent, acknowledging the receipt of goods therein described, and undertaking to deliver them at a port and to a person therein mentioned or indicated:

(5) "Bond" includes every instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed as the case may be:

(6) "Bottomry-bond" includes every instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to prosecute her voyage:

(7) "Charter-party" includes every instrument (except an agreement for the hire of a tug steamer) whereby a ship or some principal part thereof is let for the specified purposes of the charterer:

(8) "Cheque" includes every instrument whereby a bank, banker, or person acting as a banker, is ordered to pay on demand a specified sum of money:

(9) "Collector" means, within the limits of the towns of Calcutta, Madras, and Bombay, the Collector of Calcutta, Madras, or Bombay, and, without those limits, the Collector of a District, and includes Deputy Commissioner or any officer having jurisdiction equivalent to that of a Collector of a District:

(10) "Composition-deed" includes every instrument executed by a debtor, whereby the debtor conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of license, for the benefit of his creditors:

(11) "Conveyance" means any instrument (except a transfer of a share in a Company or Association, a mortgage-deed, a settlement, a lease, an instrument of re-conveyance of mortgaged property, a composition-deed, an instrument of gift, or an instrument of exchange or partition-deed, where no money is paid for equality of exchange or partition) by which property is conveyed *inter vivos:*

(12) "Counterpart" means the duplicate of a conveyance, settlement, mortgage-deed, or lease, such duplicate not being executed by the grantor, settlor, mortgagor, or lessor, but by some other party to the instrument: it includes a kabúliyat in cases where a lease has been granted:

(13) "Dock-warrant" includes every instrument evidencing the title of any person therein named or his assign, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse, or wharf, such instrument being signed or certified by or on behalf of the company or person in whose custody such goods may be:

(14) "Impressed" includes "printed" and "lithographed:"

(15) "Lease" includes every instrument (not being a counterpart) by which one person lets or agrees to let, or takes or agrees to take, immoveable property to or from another:

(16) "Letter of Credit" includes every instrument by which one person requests another to give credit to the person in whose favor it is drawn:

(17) "Letter of License" includes every agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion:

(18) "Mortgage-deed" includes every instrument evidencing a pledge of property for securing the payment of money:

(19) "Negotiable instrument" includes bills of exchange, promissory notes, and cheques:

(20) "Notarial act" means any instrument, endorsement, note, or entry made or signed by a notary public in the execution of the duties of his office, and includes every like instrument, endorsement, note, or entry made or signed by a consul, attorney, or other person authorized by law to act as a notary public:

(21) "Paper" includes vellum, parchment, or any other material on which an instrument may be written:

(22) "Partition-deed" means any instrument whereby persons interested in immoveable property jointly, or in common, or as co-parceners, or as members of an undivided Hindu family, divide or agree to divide such property in severalty, and includes a batwárá:

(23) "Policy of insurance" means any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damage, or liability arising from an unknown or contingent event: it does not include a policy on life:

(24) "Power-of-attorney" includes every instrument (except a proxy) empowering a person to act in the stead of the person executing it:

(25) "Promissory note" includes every instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight:

(26) "Property" means property being in British India:

(27) "Protest" means a declaration in writing made by a notary public, or other person authorized to act as such, attesting the dishonour of a bill of exchange or promissory note:

(28) "Protest of the master of a ship" includes every declaration of the particulars of her voyage, drawn up by him with a view to the adjustment of losses, or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship:

(29) "Proxy" means an instrument whereby a person authorizes another to vote for him at a meeting:

(30) "Release" includes every instrument whereby a person renounces a claim upon another person or against any specified property:

(31) "Respondentia-bond" includes every instrument securing a loan on the cargo laden or to be laden on board a ship, and making repayment contingent on the arrival of the cargo at the port of destination: and

(32) "Settlement" means any instrument (other than a will) whereby the destination or devolution of moveable or immoveable property is settled or agreed to be settled.

CHAPTER II.

Stamp-duties chargeable under this Act.

IV. For every instrument mentioned in the first and second schedules hereto, and executed in British India on or after the first day of January 1870,

or executed out of British India on or after that day, but relating to any property within British India,

there shall be payable to the Government of India, as stamp-duty, the amount indicated in the first or second schedule hereto annexed, to be the proper duty for such instrument.

VI. In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne—

1st.—In the case of any instrument mentioned in the first schedule to this Act (other than a policy of insurance, a mortgage-deed, a settlement, a conveyance, a lease, and instrument of exchange or partition-deed, where money is paid for equality of exchange or partition, an appraisement or valuation, an award and a copy, duplicate or extract), by the person drawing, making, or executing such instrument:

2nd.—In the case of a policy of insurance, by the insured:

3rd.—In the case of a settlement, by the settlor:

4th.—In the case of a conveyance, mortgage-deed, or lease, by the grantee, mortgagor, or lessee:

5th.—In the case of a counterpart of a lease, by the lessor,

6th.—In the case of a partition-deed, by the parties thereto in proportion to their respective shares in the property comprised therein: and

7th.—In the case of an exchange where money is paid for equality of exchange, by the person paying such money.

VII. The duty imposed by this Act on bills of exchange shall be chargeable (*a*) on all bills drawn and payable in British India, (*b*) on all bills drawn in, but payable out of, British India, and (*c*) on all bills drawn out of, but accepted, or paid, or endorsed, transferred, or otherwise negotiated within British India.

VIII. The holder of any bill of exchange or promissory note drawn or made out of British India, and not stamped as required by this Act, shall, before he presents the same for acceptance or for payment, or endorses, transfers, or otherwise negotiates such bill or note, affix thereto the proper adhesive stamp or stamps for denoting the duty with which it is chargeable under this Act.

IX. Where interest is expressly made payable by the terms of an instrument, such instrument shall not be chargeable with a duty higher than that with which it would have been chargeable had no mention of interest been made therein.

X. When the consideration set forth in, or the amount secured by, any instrument chargeable under this Act is expressed in pounds sterling, pounds currency, francs, or dollars, such consideration or amount shall, for the purposes of this Act, be estimated according to the following scale:—

One pound sterling or pound currency is equivalent to ten rupees.

One hundred francs are equivalent to forty rupees.

One Mexican or China dollar is equivalent to two rupees four annas.

One Mauritius dollar is equivalent to two rupees.

XI. When the amount or value of the subject-matter of any bond, mortgage-deed, or settlement chargeable under this Act with an *ad valorem* stamp-duty and referred to or mentioned in section six cannot be ascertained, the proper stamp to be borne by such instrument may be determined by the person bound under that section to bear the expense of providing the stamp:

Provided that, under such instrument, nothing shall be recoverable more than the highest amount or value for which, if stated in an instrument of the same denomination, the stamp actually used under such option would have been sufficient.

XII. The whole amount secured for the payment of an annuity or other sum payable periodically for an indefinite time, by a bond, promissory note, or mortgage-deed, shall, for the purposes of this Act, be deemed to be ten times the amount of the payment calculated for one year.

Where the consideration for a conveyance is an annuity or other sum payable periodically for an indefinite time, such consideration shall, for the purposes of this Act, be deemed to be ten times the amount of the payment calculated for one year.

XIII. Where more instruments than one are required for the completion of any transaction involving the execution of a mortgage-deed, settlement, conveyance, or lease, the proper stamp required by this Act for such mortgage-deed, settlement, conveyance, or lease, shall be borne by the principal instrument executed in such transaction, and each of the other instruments shall bear a stamp of one rupee.

The parties may determine for themselves which of such instruments shall, for the purposes of this section, be deemed to be the principal instrument: Provided that where the instruments are liable to different rates of duty under this Act, the instrument liable to the highest of such rates shall be deemed to be the principal instrument.

XIV. An instrument so framed as to come within two or more of the definitions in section three shall, when the instruments to which those definitions apply are liable to different rates of duty under this Act, be charged with the highest of such rates:

Provided that when any one instrument purports, for distinct considerations, to convey by way of sale, to lease, to give, or to mortgage two or more subject-matters,

or to convey by way of sale, to lease, or to give one subject-matter and to mortgage another,

such instrument shall be chargeable with the aggregate amount of the duties to which instruments effecting separately each of such conveyances, leases, gifts, or mortgages would be liable under this Act.

XV. Nothing in this Act shall render the following instruments chargeable with duty:—

(1) Receipt or discharge granted to a cultivator for the rent of land paying revenue to Government, or (in the Presidencies of Madras and Bombay) of inám lands:

(2) Receipt given for money or securities of money deposited in any bank or in the hands of any banker or person acting as a banker to be accounted for:

Provided, the same be not expressed to be received of or by the hands of any other than the person to whom the same is to be accounted for:

Provided, further, that this exemption shall not extend to a receipt or acknowledgement for any sum paid or deposited for or upon a letter of allotment of a share or in respect of a call upon any script or share of or in any Company or Association or proposed or intended Company or Association.

(3) Receipt or discharge endorsed on or contained in any instrument duly stamped according to the law in force in British India at the date of its execution, acknowledging the receipt of the consideration-money therein expressed, or the receipt of any principal money, interest, or annuity or other periodical payment, thereby secured.

(4) Transfer by endorsement of a negotiable instrument or a policy of marine insurance or of insurance against fire.

(5) Letters of hypothecation accompanying a bill of exchange.

(6) Transfers of securities of the Government of India.

(7) Bond* to Government for the due performance of the duties of any salaried office.

(8) Agreement or memorandum of an agreement for or relating to the sale of goods or merchandize.

(9) Lease granted to a cultivator, unless a fine or premium be paid in consideration of such lease.

(10) Counterpart of such lease.

(11) Surrender of land executed by a cultivator to his landlord.

(12) Affidavit made for the sole purpose of enabling any person to receive any pension or charitable allowance.

(13) Copy of any paper which a public officer is by law required to make or furnish in his official capacity.

(14) Copies made for the private use only of any person having the custody of the original instrument or of his counsel, attorney, or vakil.

(15) Receipt or other instrument executed by or on behalf of Government, in cases where the Government would, but for this exemption, be liable to pay for the stamp thereon.

(16) Letter of cover or engagement to issue a policy of insurance;

Provided that, unless such letter or engagement bear the stamp prescribed by this Act for such policy of insurance, nothing shall be recoverable thereunder, nor shall it be available for any purpose except to compel the delivery of the policy therein mentioned.

CHAPTER III.

Unstamped or Insufficiently Stamped Documents.

XVIII. *(b)*—Every instrument chargeable with stamp-duty shall be admitted in evidence in any criminal proceeding (other than proceedings under Chapter XXII of the Code of Criminal Procedure), although it may not have the stamp required by law impressed thereon or affixed thereto.

XXII. If it appear to a Civil or Criminal Court that any instrument filed or exhibited in such Court was executed on unstamped or insufficiently stamped paper with the intention of evading payment of the stamp-duty required by the law in force in British India at the time of its execution, the Court may impound the instrument and send it to the Collector, and he shall thereupon prosecute the offender.

XXIII. When any instrument is produced before any registering officer, or in any public office other than a Civil or Criminal Court, if it appear to the registering officer or to the head of such public office that the instrument is chargeable with stamp-duty under the law in force in British India at the time of its execution, but that it does not bear a stamp of a value equal to or exceeding the value of the stamp prescribed therefor by that law, he shall impound the instrument, and send it forthwith to the Collector.

* Extended to mortgage-deeds. But bonds and mortgage-deeds to account for money received by virtue thereof require to be stamped under Schedule I, No. 12.

XXIV. *(a)*—When any instrument is produced before the Collector, otherwise than for the purpose of obtaining an adjudication under section thirty-nine, or has been sent to him under section twenty-three, he shall either proceed in accordance with the provisions of section twenty, exercising the powers thereby conferred on a Civil Court; or if it appear to him that the instrument was executed on unstamped or insufficiently stamped paper with the intention of evading payment of the proper stamp-duty, he shall prosecute all the persons that have executed the said instrument or such of them as to him may seem fit;

or if it appear to him that the instrument is properly stamped, or that it is not chargeable with stamp-duty under the law in force in British India at the time of its execution, he shall certify by endorsement thereon that it is properly stamped, or that it is not so chargeable (as the case may be); and he shall thereupon return such instrument to the registering or other public officer by whom it was sent, or to the person by whom it was produced, and, subject to the provision contained in section forty, it shall be deemed to be properly stamped or not chargeable (as the case may be).

XXV. When the Collector elects to proceed under section twenty, he shall (if he imposes a penalty) after endorsing on the instrument the certificate thereby directed, or (if he remits the whole of the penalty) after endorsing on the instrument a certificate to that effect, return such instrument to the registering or other public officer by whom it was sent or to the person by whom it was produced.

Subject to the provision contained in section forty, the said instrument shall thereupon be, and be deemed to have been, as valid as if it was originally executed on paper bearing the proper stamp.

In case any instrument sent or returned under section twenty-two, twenty-three, or twenty-four, or the former part of this section, be lost, destroyed, or injured during transmission, the Court or officer sending or returning the same shall not be liable for such loss, destruction, or injury.

XXVI. *(a)*—When any bill of exchange, promissory note, cheque, or order for the payment of money on demand by any banker or person acting as a banker, chargeable hereunder with the duty of one anna, comes to his hands unstamped, he may affix thereto the necessary adhesive stamp, and cancel the same in the manner required by this Act, and upon so doing, may charge the duty against the person who ought to have paid the same, or deduct such duty from the sum so directed to be paid.

(b)—Such bill, note, cheque, or order shall, so far as relates to the stamp-duty chargeable thereon, be valid; but this shall not relieve any person or firm from liability to the penalty which he or it may have incurred by issuing or giving the said bill, note, cheque, or order unstamped.

XXVII. *(a)*—Any person, or the agent of any person, from whom money exceeding in amount twenty rupees is due or claimed to be due, and who shall have paid such money, may provide a piece of paper with an adhesive stamp of one anna affixed thereto, and may require of the person entitled to such money, or any agent to whom the same shall have been paid, a receipt for such money and also the value of the said stamp.

(b)—If any one to whom money shall have been so paid refuses to give such receipt upon demand thereof, or to pay the value of the said stamp thereon, he shall be liable for every such offence to a fine not exceeding one hundred rupees.

XXVIII. Except as provided in sections eight and twenty-six, no stamp shall be affixed to, or impressed on, any bill of exchange, or promissory note, or any instrument chargeable hereunder with the duty of one anna, subsequent to the execution thereof, nor shall the provisions of sections twenty and twenty-four apply to any such instrument.

XXXI. Any person or firm presenting for acceptance or payment a bill of exchange or promissory note to which an adhesive stamp has been affixed under section eight,

and any person or firm endorsing, transferring, or in any manner negotiating such bill or note,

shall, before delivering the same out of his or its hands, custody, or power, cancel the stamp so affixed,

in such manner as to show that the stamp has been made use of, and so that the same shall not admit of being used again.

XXXIII. Whenever an adhesive stamp is used as hereinbefore authorised, the person making or executing the instrument to which such stamp is affixed shall, before delivering the instrument out of his hands, custody, or power, cancel the stamp so used so that it cannot be used again.

XXXIV. (*a*)—When any moveable or immoveable property is sold, the full consideration-money directly or indirectly paid or secured, or agreed to be paid or secured, for the same, shall be truly set forth in words at length in the principal or only instrument whereby the property sold is conveyed to, or vested in, the purchaser or in any other person by his direction.

(*b*)—When any property is sold and conveyed subject to any mortgage or bond or other debt, or to any gross or entire sum of money, such debt or sum shall be deemed the consideration-money or part of the consideration-money (as the case may be) in respect whereof the duty chargeable under the first schedule to this Act shall be paid,

notwithstanding the purchaser is not or does not become personally liable for such debt or sum,

or does not agree to pay the same or to indemnify the seller against the same:

XLVIII. Every Local Government shall frame rules for regulating the sale of stamps and stamped paper* required by this Act or by Act No. XXVI of 1867 *(to amend the law relating to stamp-duties)* for determining the persons by whom such sale is to be conducted, and for fixing the remuneration of such persons within the territories subject to its control: and may from time to time alter and add to such rules.

Such rules, alterations, and additions shall, when approved by the Governor-General of India in Council, and after publication in the local official Gazette have the force of law.

XLIX. When an impressed stamp is used under section five to denote the amount of duty with which any instrument is chargeable, such amount shall be denoted by a single stamp, except when such amount exceeds one thousand rupees, in which case it may be denoted by two or more impressed stamps, of which the aggregate amount is the amount so required.

Provided that, when a single impressed stamp of any amount less than one thousand rupees is not procurable† on application to the Collector or stamp-vendor appointed under section forty-eight, it shall be lawful, on such officer making a certificate to that effect, for the person requiring such stamp to denote the amount by two or more impressed stamps, of which the aggregate amount is the amount so required.

L. When more stamped papers than one are used under section forty-nine for an instrument chargeable with stamp-duty under this Act, each paper so used shall contain a part of the instrument.

No advocate of any High Court shall be required to file or present a mukhtarnamah or wakalatnamah or any other document empowering him to act. Act XXVI of 1867.

RULES FOR VEND OF STAMPS.

Under Section 48.

I.—For purposes of these rules, stamps are divided into—

Class 1.—Adhesive stamps—

Stamps under Schedule I., Articles 1 and 2.
" " " II., " 1 to 9.

* See below and following page.

† If subject-matter of deed is too great to be contained on one paper, additional sheets of paper need no stamp so long as the first sheet is properly stamped—*C. O.* 28 *of* 1870, *N. W. P.*

Class 2.—All other stamps prescribed by the General Stamp Act, 1869.

II.—Stamps in Class 1 may be sold by any person. Stamps in Class 2 shall be sold by *ex-officio** and licensed vendors in accordance with these rules.

III.—Such officers of Government as the Local Government may appoint shall be *ex-officio* vendors. Such persons as may be licensed by the Collector or other officer† empowered by the Local Government to grant licenses shall be licensed vendors.‡

IV.—*Ex-officio* vendors shall sell such stamps as they may be directed by the Local Government to sell.§

Licensed vendors shall sell such stamps as are indicated in their licenses.

V.—Every license shall be revokable at any time by the Local Government, or by the authority who granted it.

Every license shall specify the name of licensee, the description of stamps which may be sold under the license, the place of vend, and such other matters as may be necessary, and shall be signed by the authority granting it.‖

VI.—Subject to Rule VIII., every person who purchases from Government, by payment of ready-money, stamps in Class 1, shall receive the same at such discount, not exceeding the following rates, as may be prescribed¶ by the Local Government:—

	Per cent.
Stamps not exceeding in value 8 annas each ...	6¼
Stamps exceeding in value 8 annas each, but not exceeding in value Rs. 5 each	4
Stamps exceeding in value Rs. 5 each, but not exceeding in value Rs. 50 each	2

VII.—Subject to Rule VIII., every licensed vendor who purchases from Government, by payment of ready-money, stamps of Class 2, shall receive the same at such discount, not exceeding the following rates, as may be prescribed by Local Government:—**

	Per cent.
Vendors licensed at places where stamps are sold by Government	3
Vendors licensed at other places, *i.e.*, where there is neither a tuhseeldaree nor an *ex-officio* vendor ...	5

VIII.—No discount shall be given on account of the purchase of any stamp exceeding Rs. 50 in value, nor on any stamp applied on material furnished by the purchaser himself, nor if there be purchased at one time less than the quantity which may be prescribed by the Local Government in respect of any class or value of stamps.

IX.—The Local Government may authorize licensed vendors to be supplied with stamps of Class 2 without requiring payment in ready-money. Such licensed vendors may receive commission on these stamps sold by them at a rate to be prescribed by the Local Government, not exceeding two per cent. In this case

* In N. W. P. these are the treasurers at head-quarter stations, and tuhveeldars at subordinate treasuries.

† Collector, Deputy Commissioner, or officer in charge of districts.

‡ Licensed vendors may be any person of respectable character. Monopolies of vend prohibited, and licenses not to be refused on ground that profits of other vendors will be curtailed.

§ Stamps of Classes I and II.

‖ The following is the license in N. W. P.:—

———, son of ———, inhabitant of village ———, pergunnah ———, district ———, is hereby licensed to sell at ———, every description of stamps of less value than Rs. 50. The attention of licensed vendors is hereby called to Section 48 of Act XVIII of 1869, and to Rules X to XV, published under the North-Western Provinces Government Notification No. 169A of the 15th August 1870.

Date——— *Collector.*

¶ Full discount to be allowed if ready-money paid and quantity purchased at one time is not less than Rs. 25 nominal value; if less purchased, no discount allowed.

** Full discount to be allowed if read-money paid and quantity purchased at one time is less than Rs. 50 nominal value; if less purchased, no discount allowed.

sufficient security shall be taken from the licensed vendors for the payment of any sum due by them to Government.

X.—Every licensed vendor shall, at all times, have stuck up in a conspicuous station outside the place of vend a signboard bearing the name of the vendor, with the words "Licensed Vendor of Stamps" in English and in the vernacular language of the district. He shall also have, in the place of vend, the Acts of the Legislature and their schedules referring to the stamps sold by him, together with these rules, in English and the said vernacular, placed so that they can readily be seen and read by purchasers.

XI.—Every *ex-officio* or licensed vendor shall write on the back of every stamp* of Class 2 which he sells a serial number, the date of sale, the name and residence of the purchaser, and the value of the stamp, in full in words, and his own ordinary signature: at the same time he shall make corresponding entries in a register to be kept by him in such form as the Local Government may prescribe.† No such vendor shall knowingly make a false endorsement on the stamp sold, or a false entry in his register.

XII.—Every licensed vendor shall, without delay, deliver any stamp which he has in his possession for sale, on demand by any person tendering the value in any currency which would be accepted on behalf of Government by the Collector of the district.

XIII.—No vendor shall sell any stamps the use of which has been ordered by competent authority to be discontinued.

XIV.—Every vendor shall keep and render such accounts as may be prescribed by the Local Government, and shall allow the Collector of the district, or any officer duly authorized by such Collector or by the Local Government, at any time to inspect such accounts and the register which he is required to keep under Rule XI and to examine the store of stamps in his possession.

XV.—Every vendor shall, at any time, on the demand of the Collector or other officer duly authorized by the Local Government, deliver up all stamps of Class 2 remaining in his possession, and if such stamps have been paid for, shall receive back the value thereof, less any discount which may have been allowed.

* No endorsements are required by *ex-officio* or licensed vendors on the sale of bill of exchange or hoondee stamps, as the Government of India have ruled that in cases of application for refund under Section 45 of Act XVIII of 1869, the burden of proof that the stamps have been purchased within a year is on the applicants.

† In N. W. P. this form for *ex-officio* vendors:—

Sales of bi-color stamps.

Date of Sale.	Number of Sheets.	Serial Number.	Name of Purchaser.	Residence of Purchaser.	Value of Stamps.	Total Value of Stamps.	Discount.

For licensed vendors the following form:—

Date of Sale.	Value of Stamps.	Serial Number of Stamps.	Name of Purchaser.	Residence of Purchaser.

12. At the end of each month *ex-officio* and licensed vendors shall forward copies of their registers to the Collector.

SCHEDULE I.

Instruments chargeable with ad valorem Stamp-duties.

Description of Instruments.		Proper Stamp-duty. If drawn singly. R. A. P.	If drawn in set of 2, for each part of the set. R. A. P.	If drawn in set of 3, for each part of the set. R. A. P.
1. Bill of Exchange payable otherwise than on Demand ...	When the amount of the bill or note does not exceed Rs. 100	0 1 0	0 1 0	0 1 0
	And when the amount exceeds Rs. 100, but does not exceed Rs. 200 ...	0 2 0	0 1 0	0 1 0
	Ditto ditto " 200, ditto ditto " 300 ..	0 3 0	0 2 0	0 1 0
	Ditto ditto " 300, ditto ditto " 600 ...	0 6 0	0 3 0	0 2 0
	Ditto ditto " 600, ditto ditto " 900 ...	0 9 0	0 5 0	0 3 0
	Ditto ditto " 900, ditto ditto " 1,200 ...	0 12 0	0 6 0	0 4 0
2. Promissory Note payable otherwise than on Demand ...	Ditto ditto " 1,200, ditto ditto " 1,500 ...	0 15 0	0 8 0	0 5 0
	Ditto ditto " 1,500, ditto ditto " 2,500 ...	1 8 0	0 12 0	0 8 0
	For every Rs. 2,500 or part thereof in excess of Rs. 2,500 up to " 10,000 ...	1 8 0	0 12 0	0 8 0
	Ditto 6.000 " " " 10,000 up to " 30,000 ...	3 0 0	1 8 0	1 0 0
	And for every Rs. 10,000 " " " 30,000 ...	6 0 0	3 0 0	2 0 0

		If drawn singly.	If drawn in duplicate, then for each part.
3. Policy of Insurance ...	When the amount insured does not exceed Rs. 1,000	0 4 0	0 2 0
	And for every further sum of Rs. 1,000 insured or for every part thereof	0 4 0	0 2 0
4. *Transfer of a Share in a Company or Association.	When the amount paid for such share does not exceed Rs. 100	0 4 0	
	For every Rs. 100 of such amount or part thereof in excess of 100 up to Rs. 1,000 ...	0 4 0	
	And for every Rs. 500 of the same or part thereof in excess of Rs. 1,000	1 4 0	
5. Bond—*For any specified amount other than an Administration Bond.*	When the amount secured does not exceed Rs. 25	0 2 0	
	When such amount exceed Rs. 25, but does not exceed Rs. 50	0 4 0	
6. Bottomry Bond.	Ditto " 50 ditto " 100	0 8 0	
	For every Rs. 100 or part thereof in excess of Rs. 100 up to Rs. 1,000 ...	0 8 0	
	Ditto 1,000 " " " 1,000 up to " 10.000 ...	2 8 0	
7. Respondentia Bond.	Ditto 1,000 " " " 10,000 up to " 30,000 ...	2 8 0	
	And for every Rs. 10,000 " " " 30,000	12 8 0	

Description of Instruments.		Proper Stamp-duty.
8. Customs Bond	(a) When the amount secured does not exceed Rs. 1,000. ... ... (b.) When such amount exceed Rs. 1,000	The stamp-duty with which a bond for such amount is chargeable (No. 5.) Five rupees.
9 Indemnity Bond...	(a.) When the amount secured does not exceed Rs. 3,000 ... . (b.) When such amount exceed Rs. 3,000, or is not expressed	The stamp-duty with which a bond for such amount is chargeable (No. 5.) Sixteen rupees.
10. Mortgage-deed—when possession of the property comprised therein is not given by the mortgagor at the time of execution. 11. Instrument or further Charge on such property (whether by endorsement or otherwise).	... ...	The stamp-duty with which a bond for the amount secured is chargeable (No. 5.)
12. Bond or Mortgage-deed for the due execution of an office, or to account for money received by virtue thereof.	(a.) When the amount secured does not exceed Rs. 3,000 ... ... (b.) When such amount exceed Rs. 3,000 or the amount is not expressed ...	The stamp-duty with which a bond for such amount is chargeable (No. 5.) Sixteen rupees.
13. Assignment of any Interest secured by a bond or mortgage-deed.	(a.) When the amount of such interest does not exceed Rs. 3,000 ... ... (b.) In any other case	The stamp-duty with which a bond for such amount is chargeable (No. 5.) Sixteen rupees.
14. Settlement		The stamp-duty with which a bond for such amount or value of the property thereby settled is chargeable (No. 5.)

Note.—The stamp-duty chargeable on the instrument marked * may be denoted by an adhesive stamp when the transfer is made by endorsement.

SCHEDULE I.—*(Continued.)*

Instruments chargeable with ad valorem Stamp-duties.

Description of Instruments.		Proper Stamp-duty.		
		Rs.	A.	P.
15. Conveyance	When the amount paid or secured does not exceed Rs. 50	0	8	0
	When it does not exceed Rs. 100 ...	1	0	0
	For every Rs. 100 or part thereof in excess of Rs. 100 up to Rs. 1,000 ...	1	0	0
16. Mortgage-deed—when possession of the property comprised therein is given by the mortgagor at the time of execution	For every Rs. 500 or part thereof in excess of Rs. 1,000 up to Rs. 10,000 ...	5	0	0
	For every Rs. 1,000 or part thereof in excess of Rs. 10,000 up to Rs. 30,000 ...	5	0	0
17. Instrument of further charge on such property, whether by endorsement or otherwise....	For every Rs. 10,000 or part thereof in excess of Rs. 30,000 up to Rs. 1,00,000.	50	0	0
	For every Rs. 20,000 or part thereof in excess of Rs. 1,00,000	57	0	0
18. Instrument of exchange of partition of immoveable property when money is paid for equality of exchange of partition...	... ...	The stamp-duty with which a conveyance for the amount so paid is chargeable (No. 15) in addition to the stamp-duty with which an instrument of exchange of immoveable property or a partition-deed is chargeable under Schedule II.		
19. Lease	(*a.*) When the lease is expressed to be for a term of less than one year ...	The stamp-duty with which a bond No. 5 for the total amount payable under such lease is chargeable.		
	(*b.*) Where the lease is expressed to be for a term of not less than one year, but not more than three years ...	The stamp-duty with which a bond for the total amount payable under such lease during the first year of the term is chargeable.		
	(*c.*) Where the lease is expressed to be for a term exceeding three years, or where no term is expressed	The stamp-duty with which a conveyance for the total amount payable under such lease during the first year of the term is chargeable.		
	(*d.*) When the lease is granted in consideration of a fine or premium and where no rent is reserved	The stamp-duty with which a conveyance for the amount so paid is chargeable.		
	(*e.*) Where the lease is granted in consideration of a fine or premium and also of a rent	The stamp-duty with which a conveyance for the amount of the fine or premium is chargeable, in addition to the stamp-duty with which the lease would be chargeable in case no such fine or premium had been paid.		

20. SURRENDER OF LEASE	(a.) Where the amount of stamp-duty chargeable on the lease does not exceed Rs. 16	The stamp-duty with which the lease is chargeable (No. 19.)
	(b.) In any other case	Sixteen rupees.
21. APPRAISEMENT OR VALUATION— Of any property or of any interest therein; ... ... Or of the annual or monthly value thereof; ... ... Or of any repairs wanted; ... ... Or of the materials used or to be used in any building; ... ... Or of any artificer's work	(a.) Where the amount of such appraisement or valuation does not exceed Rs. 500	Eight annas.
	(b.) Where it exceeds Rs. 500 ...	One rupee.
22. AWARD	(a.) Where the amount or value of the property in dispute expressed in such award does not exceed Rs. 500	Eight annas.
	(b.) Where such amount or value exceeds Rs. 500 or where no amount or value is expressed in the award.	One rupee.
23. COPY, DUPLICATE OR EXTRACT, attested to be a true copy, duplicate or extract	(a.) If the duty chargeable on the original does not exceed Rs. 5, or if no duty is chargeable on the original	Eight annas.
	(b.) If the duty chargeable on the original exceeds Rs. 5, but does not exceed Rs 20	One rupee.
	(c.) If such duty exceeds Rs. 20, but does not exceed Rs. 50 ...	Two rupees.
	(d.) If such duty exceeds Rs. 50 ...	Four rupees.

SCHEDULE I.—*(Continued.)*

Table showing the Stamp-duty chargeable under this Schedule on any Bill of Exchange or Promissory Note, the amount of which does not exceed Rs. 2,00,000.

When the Amount exceeds—	But does not exceed—	Proper Stamp-duty. If drawn singly.		Proper Stamp-duty. If drawn in sets of two, for each part of the set.		Proper Stamp-duty. If drawn in sets of three, for each part of the set.		When the Amount exceeds—	But does not exceed—	Proper Stamp-duty. If drawn singly.		Proper Stamp-duty. If drawn in sets of two, for each part of the set.		Proper Stamp-duty. If drawn in sets of three, for each part of the set.	
Rs.	Rs.	Rs.	A.	Rs.	A.	Rs.	A.	Rs.	Rs.	Rs.	A.	Rs.	A.	Rs.	A.
	100	0	1	0	1	0	1	40,000	50,000	30	0	15	0	10	0
100	200	0	2	0	1	0	1	50,000	60,000	36	0	18	0	12	0
200	300	0	3	0	2	0	1	60,000	70,000	42	0	21	0	14	0
300	600	0	6	0	3	0	2	70,000	80,000	48	0	24	0	16	0
600	900	0	9	0	5	0	3	80,000	90,000	54	0	27	0	18	0
900	1,200	0	12	0	6	0	4	90,000	1,00,000	60	0	30	0	20	0
1,200	1,500	0	15	0	8	0	5	1,00,000	1,10,000	66	0	33	0	22	0
1,500	2,500	1	8	0	12	0	8	1,10,000	1,20,000	72	0	36	0	24	0
2,500	5,000	3	0	1	8	1	0	1,20,000	1,30,000	78	0	39	0	26	0
5,000	7,500	4	8	2	4	1	8	1,30,000	1,40,000	84	0	42	0	28	0
7,500	10,000	6	0	3	0	2	0	1,40,000	1,50,000	90	0	45	0	30	0
10,000	15,000	9	0	4	8	3	0	1,50,000	1,60,000	96	0	48	0	32	0
15,000	20,000	12	0	6	0	4	0	1,60,000	1,70,000	102	0	51	0	34	0
20,000	25,000	15	0	7	8	5	0	1,70,000	1,80,000	108	0	54	0	36	0
25,000	30,000	18	0	9	0	6	0	1,80,000	1,90,000	114	0	57	0	38	0
30,000	40,000	24	0	12	0	8	0	1,90,000	2,00,000	120	0	60	0	40	0

Table showing the Stamp-duty chargeable under this Schedule on any Conveyance the Consideration-money set forth in which does not exceed Rs. 4,00,000.

When the Amount of such Consideration-money does not exceed		Proper Stamp-duty.		When the Amount of such Consideration-money does not exceed		Proper Stamp-duty.		When the Amount of such Consideration-money does not exceed		Proper Stamp-duty.	
Rs.		Rs.	A.	Rs.		Rs.	A.	Rs.		Rs.	As.
50	...	0	8	8,000	...	80	0	30,000	...	200	0
100	...	1	0	8,500	..	85	0	40,000	...	250	0
200	...	2	0	9,000	...	90	0	50,000	...	300	0
300	...	3	0	9,500	...	95	0	60,000	...	350	0
400	...	4	0	10,000	...	100	0	70,000	...	400	0
500	...	5	0	11,000	...	105	0	80,000	...	450	0
600	...	6	0	12,000	...	110	0	90,000	...	500	0
700	...	7	0	13,000	...	115	0	1,00,000	...	550	0
800	...	8	0	14,000	...	120	0	1,20,000	...	625	0
900	...	9	0	15,000	...	125	0	1,40,000	...	700	0
1,000	...	10	0	16,000	...	130	0	1,60,000	...	775	0
1,500	...	15	0	17,000	...	135	0	1,80,000	...	850	0
2,000	...	20	0	18,000	...	140	0	2,00,000	...	925	0
2,500	...	25	0	19,000	...	145	0	2,20,000	...	1,000	0
3,000	...	30	0	20,000	...	150	0	2,40,000	...	1,075	0
3,500	...	35	0	21,000	...	155	0	2,60,000	...	1,150	0
4,000	...	40	0	22,000	...	160	0	2,80,000	...	1,225	0
4,500	...	45	0	23,000	...	165	0	3,00,000	...	1,300	0
5,000	...	50	0	24,000	...	170	0	3,20,000	...	1,375	0
5,500	...	55	0	25,000	...	175	0	3,40,000	...	1,450	0
6,000	...	60	0	26,000	...	180	0	3,60,000	...	1,525	0
6,500	...	65	0	27,000	...	185	0	3,80,000	...	1,600	0
7,000	...	70	0	28,000	...	190	0	4,00,000	...	1,675	0
7,500	...	75	0	29,000	...	195	0				

LIBRARY

SCHEDULE I.—*(Concluded.)*

Table showing the Stamp-duty chargeable under this Schedule on Bonds for any sum not exceeding Rs. 4,00,000.

When such Sum does not exceed	Proper Stamp-duty.		When such Sum does not exceed	Proper Stamp-duty.		When such Sum does not exceed	Proper Stamp-duty.	
Rs.	Rs.	As.	Rs.	Rs.	As.	Rs.	Rs.	As.
25	0	2	10,000	50	0	1,20,000	212	8
50	0	4	11,000	52	8	1,30,000	225	0
100	0	8	12,000	55	0	1,40,000	237	8
200	1	0	13,000	57	8	1,50,000	250	0
300	1	8	14,000	60	0	1,60,000	262	8
400	2	0	15,000	62	8	1,70,000	275	0
500	2	8	16,000	65	0	1,80,000	287	8
600	3	0	17,000	67	8	1,90,000	300	0
700	3	8	18,000	70	0	2,00,000	312	8
800	4	0	19,000	72	8	2,10,000	325	0
900	4	8	20,000	75	0	2,20,000	337	8
1,000	5	0	21,000	77	8	2,30,000	350	0
1,500	7	8	22,000	80	0	2,40,000	362	8
2,000	10	0	23,000	82	8	2,50,000	375	0
2,500	12	8	24,000	85	0	2,60,000	387	8
3,000	15	0	25,000	87	8	2,70,000	400	0
3,500	17	8	26,000	90	0	2,80,000	412	8
4,000	20	0	27,000	92	8	2,90,000	425	0
4,500	22	8	28,000	95	0	3,00,000	437	8
5,000	25	0	29,000	97	8	3,10,000	450	0
5,500	27	8	30,000	100	0	3,20,000	462	8
6,000	30	0	40,000	112	8	3,30,000	475	0
6,500	32	8	50,000	125	0	3,40,000	487	8
7,000	35	0	60,000	137	8	3,50,000	500	0
7,500	37	8	70,000	150	0	3,60,000	512	8
8,000	40	0	80,000	162	8	3,70,000	625	0
8,500	42	8	90,000	175	0	3,80,000	637	8
9,000	45	0	1,00,000	187	8	3,90,000	650	0
9,500	47	8	1,10,000	200	0	4,00,000	662	8

SCHEDULE II.

Instruments chargeable with fixed Stamp-duties.

Description of Instruments.	Proper Stamp-duty.
1.—Bill of exchange, promissory note, cheque or order, for the payment on demand of an amount exceeding 20 rupees ... ... 2.—Letter of credit ... ... 3.—Agreement or memorandum of an agreement relating to the sale of any Government security, share in a Company or Association, or bill of exchange ... ... 4.—Certificate or other document purporting to denote the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any Company or Association or proposed Company or Association, or to become proprietor of shares, scrip or stock in or of any such Company or Association ... ... 5.—Note or memorandum written in any book or written or a separate paper, whereby any account, debt or demand, or any part of any account debt or demand therein specified, and amounting to twenty rupees or upwards, is expressed to have been balanced, or is acknowledged to be due	One anna.*

* This duty may be denoted by an adhesive stamp.

SCHEDULE II.—*(Concluded.)*

Instruments chargeable with fixed Stamp-duties.

Description of Instruments.	Proper Stamp-duty.
6.—Shipping order for or relating to the conveyance of goods on board of any vessel	One anna.*
7.—Receipt or discharge given for or upon the payment of money or delivery of goods, in satisfaction of a debt, the amount or value of which money or goods exceeds twenty rupees	
8.—Proxy to vote at any one meeting of	
(*a.*)—Members of a Company or Association whose stock or funds is or are divided into shares, and transferable	
(*b.*)—Municipal Commissioners	
(*c.*)—Justices of the Peace being a body corporate	
(*d.*)—Proprietors, members or contributors to the funds of any institution	
9.—Bill of Lading	Four annas.
10.—Dock Warrant	
11.—Any agreement or memorandum of an agreement not otherwise provided for by this Act; provided that where two or more letters are offered in evidence to prove any agreement between the parties who shall have written such letters, it shall be sufficient if any one of such letters shall be stamped as an agreement	Eight annas.
12.—Notice of protest by the master of a ship	
13.—Power-of-attorney to present for registration	One rupee.
(*a.*)—A single instrument	
(*b.*)—Any number of instruments required for the completion of a single transaction	
14.—Affidavit not made for the immediate purpose of being produced in any Court	
15.—Collateral instrument not otherwise provided for by this schedule ...	
16.—Counterpart of any instrument chargeable with stamp-duty under this Act	
17.—Instrument of dissolution of partnership	
18.—Power-of-attorney for the performance of a single act when the value of the matter to be dealt with does not exceed five hundred rupees...	
19.—Power-of-attorney for the performance of a single act when the value of the matter to be dealt with exceeds five hundred rupees ...	Two rupees.
20.—Bond of mortgage-deed executed as a collateral security for the performance of any act where such performance is secured by some instrument previously executed on stamped paper in accordance with the law for the time being in force	
21.—Instrument evidencing an agreement to secure the re-payment on or before the expiration of three months from the date of such instrument of a loan made upon the deposit of title-deeds or other valuable security.	
22.—Charter Party	
23.—Notarial Act	
24.—Protest of a bill of exchange or promissory note	
25.—Protest of the master or owner of a ship	
26.—Instrument of co-partnership	
27.—Re-conveyances of mortgaged property when the original mortgage-deed has been stamped in accordance with the law in force in British India at the time of its execution	Four rupees.
28.—Composition-deed	Eight rupees.
29.—Letter of Licence. 30.—Release	
31.—Instrument purporting to confer an authority to adopt	
32.—Power-of-attorney not otherwise provided for by this schedule ...	
33.—Articles of Association of a Company	
34—Memorandum of Association of a Company...	Sixteen rupees.
35.—Appointment in execution of a power, whether of trustees or of property moveable or immoveable where made by any writing not being a will	
36.—Declaration of any use or trust of or concerning any property, moveable or immoveable, where made by any writing not being a will ...	Ditto.
37.—Instrument of gift of immoveable property	
38.—Instrument of exchange of immoveable property where no money is paid or agreed to be paid for equality of exchange...	
39.—Partition-deed relating to immoveable property where no money is paid or agreed to be paid for equality of exchange	

* This duty may be denoted by an adhesive stamp.

Schedule of Offences punishable under Act XVIII of 1869.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
29	Any person or firm making, signing or issuing or, except as provided in Section 26, accepting, endorsing paying or receiving payment of any bill of exchange, promissory note, cheque, or other instrument liable to any of the duties hereby imposed, without being duly stamped or making, signing or executing, otherwise than as a witness any other instrument liable to any of such duties without the same being duly stamped.	Collector or such other officer as Local Government generally or Collector specially authorizes in that behalf.	N. C.	S.	B.	For every such offence fine not exceeding Rs. 100, or if ten times the value of the proper stamp exceed Rs. 100, fine not exceeding ten times such value or where an insufficient stamp has been used, if ten times the deficient amount exceed Rs. 100, fine not exceeding ten times that amount.	Magistrate of second class, but no Magistrate in imposing penalties to exceed his ordinary jurisdiction.	XXXVII. All fines imposed under this Act may be recovered in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.
30	Any person or firm presenting for acceptance or for payment, or accepting, endorsing, transferring or in any manner negotiating any bill of exchange or promissory note out of British India whereon drawn or made there is not such stamp as is required by the Act.		"	"	"	Fine not exceeding Rs. 100.		In the case of a firm, the Magistrate imposing the fine may issue a warrant for the levy of the amount by distress and sale of any moveable property

Schedule of Offences punishable under Act XVIII of 1869.—(Concluded.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
31	Any person or firm which ought as directed by this Act to cancel such stamp in manner aforesaid and refusing or neglecting to do so.	ally or Collector specially authorizes in that behalf.	N. C.	S.	B.	For every such offence, fine not exceeding Rs. 100.	ing penalties to exceed his ordinary jurisdiction	belonging to the firm, or to all or any of the members thereof. XXXVIII. Whenever an offender is sentenced to pay a fine under this Act, the convicting Magistrate may award any portion not exceeding one-half to the person on whose information the offender has been convicted.
32	Any person or firm drawing or executing within British India a bill of exchange or policy of marine insurance purporting to be drawn or executed in a set of two or more, and not at the same time drawing or executing on paper duly stamped as required by the Act, the whole number of bills or policies of which such bill or policy purports the set to consist.		"	"	"	Fine not exceeding Rs. 1,000.		
33	Any person making or executing an instrument to which an adhesive stamp is affixed and failing to cancel it as prescribed in this section.		"	"	"	Fine not exceeding Rs. 100.		

34	Not setting forth in full the consideration-money as prescribed in Section 34, both purchaser and seller each liable to.	Collector or such other officer as Local Government gener	"	"	"	Fine not exceeding Rs. 500, and also fine of five times the amount of the excess of duty with which such instrument would have been chargeable under this Act, if the full consideration-money had been duly set forth in such instrument, in addition to the duty actually paid for the same.	Magistrate of second class, but no Magistrate in impos	
35	Any attorney, vakil, mukhtar or other person employed in or about preparing of any instrument in or upon which full consideration-money is hereby required to be set forth truly or, employed for any of the parties thereto in any wise about or relating to the transaction therein mentioned, and knowingly inserting or setting forth, or causing to be inserted or set forth, in or upon any such instrument any other than the full consideration-money.		"	"	"	Fine not less than Rs. 500, and not exceeding Rs. 5,000.		Every attorney, vakil, pleader and mukhtar convicted under this section shall, from the date of such conviction, be disabled to practise as an attorney, vakil, pleader, or mukhtar: Provided that no person shall be liable to any penalty or disability under this section, unless the duty actually paid for the instrument is less than would have been payable for the same in case the consideration-money had been truly set forth as aforesaid.
36	Abetting within the meaning of the Penal Code any offence made punishable by this Act.		"	"	"	Same punishment as for the offence abetted.		
48	Any person appointed to sell such stamps and stamped paper, who knowingly disobeys any such rule.		"	"	"	Simple imprisonment not exceeding six months, or fine not exceeding Rs. 500, or both.		

OUDH.

Officers responsible for the Cancellation of Stamps.

BOOK CIRCULAR No. XXVIII OF 1872.

The officiating Judicial Commissioner has recently ascertained that the duty of cancelling stamps and Court fees has not heretofore been properly regulated and discharged; and he, therefore, prescribes the following rules on the subject for information and guidance.

2. The Munsarim of the Court of every Commissioner and Deputy Commissioner, and the Mohurir or Naib-Nazir of the Court of every Tahsildar and Honorary Assistant Commissioner, should be held responsible for the cancellation of the stamps on which all petitions, plaints and appeals are presented to these respective Courts.

3. For the cancellation of process fees, the Court Munshis at the sadr stations, and the Court Mohurirs at the Courts of Tahsildars and Honorary Assistant Commissioners respectively, should be held responsible.

4. Record-keepers should be called to account for every uncancelled stamp sent with files out of their record rooms; but they should, at the same time, be commended for bringing to notice instances of remissness in connection with the foregoing instructions.

5. The attention of Courts is drawn to the Chief Commissioner's Circular, Nos. 26 and 39 of 1872, enjoining amongst other points, that the cancellation of a stamp should be effected by nothing short of "punching;" and that the process fee stamp should be cancelled immediately upon its being affixed to the summons or warrant for which it is given.

TELEGRAPHS, ELECTRIC.

ACT NO. VIII OF 1860.

II. Within the British territories in India, the Governor-General of India in Council shall have the exclusive privilege of establishing lines of electric telegraph. Provided that the Governor-General of India in Council may grant a license to any person or Company to establish a line of electric telegraph within any part of such territories, which license shall be revocable on the breach of any of the conditions therein contained.

XX. If any servant of the Government, employed in the Electric Telegraph Department within the dominions of any Foreign Prince or State in alliance with the Government of India in which an electric telegraph is established by the Government, shall within the dominions of such Prince or State commit any act hereby prohibited or omit to do any act hereby required to be done by any person similarly employed within the British territories in India, such servant of the Government shall be guilty of an offence, and on conviction thereof shall be punished in the same manner as if such act had been done or omitted within the said last-mentioned territories; and every such person may be tried, convicted, and punished either by fine or otherwise, according to the nature of the offence, by any Court or officer duly empowered by the Governor-General of India in Council to take cognizance of offences committed in such dominions by servants of the Government, or by any Court or Magistrate or other competent officer in any part of the British territories in India in the same manner as if the offence had been committed in such part of the said territories.

XXI. The word "Magistrate" in this Act shall include Joint-Magistrates and persons lawfully exercising the powers of Magistrates, and the word "Fine" shall include a penalty or forfeiture.

Extract made from Governor-General's Rules.

OBLIGATION OF SECRECY.

Rule LI.—To secure secrecy as much as possible, all persons, including officers of the department not actually on duty, are strictly prohibited from entering the signal-room. Breach of this regulation renders an offender liable to a fine of Rs. 100 under Act VIII of 1860.

Rule LII.—Violation of secrecy on the part of any person in the department will be punished by dismissal from office, forfeiture of arrears of pay, and a declaration in the official Gazette of the incapacity of the delinquent to serve the Government in any capacity. He will also be liable to the further punishment of fine, or to imprisonment (with or without labor) not exceeding two years, or to both.

It is a violation of secrecy to mention the fact that a message has been received or despatched by any particular person or firm.

Schedule of Offences punishable under Act VIII of 1860.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
3	Any person otherwise than under a license duly granted as noted in Section 2 establishing, or after revocation of such license maintaining a line of electric telegraph within British territories.	Any person.	N. C.	S.	B.	Fine not exceeding Rs. 1.000, and further fine not exceeding Rs. 500 for every week during which it shall be maintained.	Magistrate of the 1st class.	All fines realizable as under the Railway Act, see. p. 1138.
4	Any person using a line of electric telegraph knowing or having reason to believe that is an unlicensed line, for the purpose of sending or receiving message and performing any service incidental thereto.	"	"	"	"	For every such offence, fine not exceeding Rs. 50.	"	
9	Without permission entering into the signal-room of a Government Telegraph Office, or refusing to quit the same on being requested to do so by any officer or servant employed therein, or wilfully obstructing or impeding any such officer or servant in the performance of his duty.	"	"	"	"	Fine not exceeding Rs. 100.	"	European British subject for offences under ss. 10—15 liable only to jurisdiction of Court established by Royal Charter.

10	Wilfully causing or attempting to cause any interruption to the transmission of signals along a line of electric telegraph established by the Government, by cutting or injuring the wire, or by injuring any portion of the line or posts or any instrument or apparatus, or by any other means.	"	"	"	"	Imprisonment of either description for a term not exceeding 2 years, or fine, or both.	"	"
11	Being in the employ of the Government in the Electric Telegraph Department, and wilfully secreting, making away with, altering or omitting to transmit any message which he may have received for transmission or delivery, or wilfully or otherwise than by the official order of a Secretary to the Government of India, or Government of Madras or Bombay, or Lieutenant-Governor of Bengal or of the North-Western Provinces, or of the Punjab, or Chief Commissioner of Oude, or such other officers as the Governor-General of India in Council shall authorize to give such order, divulging any message or the purport of any message or signal to any person not entitled to receive, or to become acquainted with the same.	"	"	"	"	Ditto ...	"	"
12	Offering bribe to any person in the employ of the Government in the Electric Telegraph De-	"	"	"	"	Imprisonment for a term not exceeding 6 months, or fine, or both.	"	

Schedule of Offences punishable under Act VIII of 1860.—(Concluded.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
	partment, in order to induce such person to act in a manner inconsistent with his duty.							
13	Being in such employ, and guilty of any act of drunkenness, carelessness, or other misconduct, whereby the transmission or delivery of any message shall be endangered, or loitering or making delay in the transmission or delivery of any message.	Any person.	N. C.	S.	B.	Imprisonment of either description for a term not exceeding 3 months, or fine not exceeding Rs. 100, or both.	Magistrate of the 1st class.	
14	Being in such employ, and transmiting by the electric telegraph any message upon which the prescribed charge has not been paid, intending thereby to defraud the Government.	"	"	"	"	Imprisonment of either description not exceeding 2 years, or fine, or both.	"	
15	Transmitting or causing to be transmitted by an electric telegraph established by Government a message which he knows to be false or fabricated.	"	"	"	"	Ditto ...	"	

Police Order 29 of 1861, N. W. P., and Punjab Police Circular Order, page 49, prescribe that accidents to telegraph lines should be reported by Police to the nearest telegraph officers. Road patrol to enter in station diary whether telegraph line is all right.

TELEGRAPH MESSAGES.

The telegraph is an extraordinary means of communication, which is not intended to be used in the transaction of public business, except on urgent and important occasions, and when the saving of time effected by the telegraph is of real importance to the public interests.

Brevity, next to clearness, must be considered the most important consideration in telegraphic messages.

TIME-EXPIRED CONVICTS AND REGISTER* OF PREVIOUS CONVICTIONS, N. W. P.

Jail Superintendents to send with their warrants to District Superintendents for release time-expired

(I.)—Convicts on whose warrant of imprisonment the Judge or Magistrate has recorded, that they should be made over to local surveillance at the expiration of sentence.

(II.)—Convicts imprisoned for—

1. Dacoity, thuggee, belonging to a band of dacoits.
2. Thefts by administering poisonous drugs.
3. Highway robbery.
4. Burglary.
5. Common theft, in case of second conviction.
6. Coining or uttering counterfeit coin.
7. All juvenile offenders under the age of 15 of whatever charge convicted.

4. The District Superintendent will at once fill in a descriptive roll of the prisoner, and then let the man go. The warrant will be forwarded by that day's post to the district or Police station where the prisoner resides. On receipt of such a warrant at a Police station, the station Police officer *must* see that the man's name is at once entered in the register of time-expired convicts, and ascertain from the chowkeedar of the village to which the prisoner belongs if the man has returned to his home. The warrant will then be returned by the station officer to his own District Superintendent, and by him returned to the Superintendent of the jail in which the prisoner was confined, for despatch, with report of execution of sentence, to the Court from which issued.

5. For the future, a separate register will be kept of all time-expired convicts. The register will be of the same size as Register No. 10, and will be numbered as No. 10A.

6. This register will be a permanent register, and not renewed annually. It will be kept in the station office, and no entry will be made in it, except by the officer in charge of the Police station.

7. The object of it is to bring time-expired convicts under Police surveillance, and thus to ascertain the result of punishment and prison discipline. The prisoners should not be watched as bad characters, nor should their names be recorded in the register of bad characters, unless, indeed, they should subsequently prove themselves to be irreclaimably bad, and show no disposition to reform. A note in Register

* *See a few pages further on.*

10A, once in three months, should be made against each time-expired convict, showing the result of enquiry into his manner of life, occupation, conduct, and character.

8. The scrutiny over time-expired convicts should not be withdrawn, until it is satisfactorily proved that they have returned to honest livelihood, or till next conviction and imprisonment or till death. No man's name should be removed till the close of the second year for which report is furnished to the Inspector-General of Prisons. This report will be submitted annually on the 15th of January to the Inspector-General of Prisons through the Magistrate of the district, a copy being attached to the annual Police report furnished to this office.

9. District Superintendents and other inspecting officers should keep a continual watch over the Police officers to whom the surveillance of time-expired convicts is entrusted. Great care must be taken that the register is faithfully kept up, and that its entries are free from all extraneous matter. *Still greater care must be taken that the men are subjected to no interference, and that no obstacle is thrown in the way of their earning an honest livelihood.*

LOWER BENGAL.

Circular No. 5, 1865, Bengal High Court.

Register of Previous Convictions.

For the purpose of enabling Magistrates to ascertain whether parties charged before them with heinous offences have been previously convicted of any of the offences for which enhancement of punishment is provided, on a second or subsequent conviction, by Section 75, Act XLV of 1860, and Section 4, Act VI of 1864, and for purposes of general statistical information, the High Court are pleased to direct that registers be opened in Magistrate's offices, in the form appended to this circular. These registers should contain the names of parties convicted of any of the crimes specified on the margin, and should be in the Bengali or Urdu language and character, varying according to the vernacular of the district.

1. Offences relating to coin and Government Stamps (Chapter XII, P. C.)
2. Offences against property (Chapter XVII, P. C.)
3. Giving or fabricating false evidence (Ss. 193 to 195, P. C.)
4. Falsely charging any person with having committed an unnatural offence (Ss. 211 and 377, P. C.)
5. Assaulting or using criminal force to any woman with intent to outrage her modesty (S. 354, P. C.)
6. Rape (S. 375, P. C.)
7. Unnatural offences (S. 377, P. C.)
8. Forgery (Ss. 465, 466, 467, 468, 469, P. C.)

Culpable homicide (S. 304.)

Causing grievous hurt (Ss. 323 to 326, and Ss. 329, 331, 333, 335, 338.)

2. Every conviction, as sentence is passed, must be entered in the office of the Magistrate of the district by the officer whose duty it is to keep the register of convictions. In cases committed to the sessions, the entry will be made on sentence being passed by the Sessions Judge. If a prisoner be released on appeal, whether by the Judge or by the Magistrate, a note should be made in the column of remarks of the date and purport of the order of the Appellate Court.

3. Similar registers should be kept up in the same manner by subdivisional officers regarding the offences specified which may have been committed within their respective jurisdictions, and for which any persons may have been convicted. These officers should report to the Magistrates the entries of the past month regularly at the commencement of each successive month for incorporation in the general district register.

4. To ensure the proper preparation and keeping up of the register, the Magistrate or other magisterial authority in charge shall require the officer whose duty it is to prepare it to bring the register for his inspection and signature at least once every week.

5. At the close of the year an alphabetical register of the parties convicted of within the twelve months should be made for facility of reference, and at the close of every fifth year, an alphabetical register should be prepared from the alphabetical registers of the previous five years.

6. When a prisoner has been convicted more than once, a note to that effect should be made against his name in the register opened for that purpose.

7. For the purpose of giving the foregoing rules retrospective effect, an alphabetical register should be at once prepared in the form prescribed in this Circular Order of parties convicted since the date on which the Penal Code came into force, *i.e.*, from the 1st January 1862 to the end of 1864, the requisite information being derived from the register of convictions in the charge of the record-keeper and of the jailor.

Name of the Prisoner (including his *alias* if any).	Name of his Father.	Residence.	Profession or Trade.	Caste.	Age or supposed Age.	Height.	Personal Marks, such as Squint, Lameness, Loss of Limb, permanent Scars, &c.	Of what Offence convicted.	Date of Conviction.	Sentence passed.	Previous conviction.	REMARKS.

REGISTER OF TIME-EXPIRED CONVICTS.

Rules for the preparation of the register of convicts released on expiry of sentence and of notorious bad characters (Station Book N. 6.)

Cir. Order 9 *of* 1870, *and Govt. Res. of* 22*nd September* 1862.

This register shall contain the names of all persons living in the station circle, who have been convicted of offences, cognizable by the Police, and punishable under the Penal Code, or who are notorious bad characters.

3. No name shall be entered except on due authority.

4. The authority for the entry of the name of a released convict, is the notice sent to the District Superintendent by the officer in charge of the jail from which the convict is released, and forwarded by the District Superintendent to the Police station with which the convict is connected, or within which he usually resides.

The authority for entering the name of a person punished with whipping or with imprisonment for less than one month, is the notice prepared in Form 42 by the Court officer immediately after sentence has been passed. The authority for the entry of a person as a bad character, who has not been convicted, is the special order of the Magistrate or the District Superintendent. Such order may be applied for by any Inspector or officer in charge of a Police station, but should not be granted without due enquiry and on due ground. The return of convicts from the Penal Settlement shall, in like manner, be communicated through District Superintendents to their subordinates.

5. On receiving a notice of release from the officer of a jail, the District Superintendent shall forward such notice to the officer in charge of the Police station within limits of which the convict is said to reside for careful verification.

6. If the residence be correctly given, the officer in charge of the Police station shall proceed to enter the name of the convict in his register, and shall return the original notice to the District Superintendent stating whether the convict has returned to, and intends to reside in his village, or not.

7. If the residence has not been correctly given, the officer of the Police station shall at once return the notice with proper endorsement, and the District Superintendent shall endeavour by reference to the original records of the case, and by other enquiry, to ascertain the real residence of the convict; so too, if after release, a convict shall not return to his original residence, District Superintendent shall institute enquiry in view to his not being lost sight of by the Police.

8. When the particulars shall have been duly filled in, the notice shall be returned for record in the District Superintendent's office.

9. Persons convicted (see paragraph 2) shall be divided into two classes—

1st.—Persons regarding whom enquiry is to be made.

2nd.—Persons regarding whom enquiry need not be made.

10. Case 1 shall comprise all persons convicted of the following offences:—

1. Of Dacoity.
2. „ Robbery.
3. „ Drugging.
4. „ House-breaking.
5. „ Cattle theft.
6. „ Counterfeiting coin.
7. „ Kidnapping for purposes of slavery or prostitution.
8. „ Forgery of promissory notes of Government of India.
9. „ Theft or receiving stolen property, if sentenced to six months' imprisonment or upwards.
10. „ Offences punishable with whipping.
11. „ Persons convicted of bad livelihood.
12. „ Notorious bad characters.

11. Class II shall comprise all persons convicted of cognizable offences punishable under the Penal Code other than shown in Class I; also of theft or receiving stolen property if punished by less than six months' imprisonment.

12. In the commencement of each register there shall be a simple index, thus:—the name of every village in the station circle in which one or more convicts or bad characters reside shall be entered in alphabetical order, and against the name of each village shall be entered the number of every page in which the name of a convict living in that village is to be found. Numbers of pages showing names of convicts, regarding whom local enquiry is to be made (paragraph 10) shall be entered in red ink. The index would thus show at a glance how many released convicts each village contained, and an officer proceeding to any village could refresh his memory regarding all the bad characters residing therein, without examining the entire register.

13. Each page shall be numbered, the names of convicts falling under Class I (paragraph 10) shall be entered each in a separate page, commencing from page No. 1. The latter portion of the register shall be set apart for criminals of Class II (paragraph 11) regarding whom enquiry is not to be made, such names shall be entered five or six in each page. The last thirty leaves of the register would probably suffice for this purpose.

14. The columns shall contain the following particulars:—

Column I shall contain in addition to the name of the father, the names of other relations as far as they can be ascertained. In Column III should also be given the names of the village chowkeedars, and the names of other villages where the convict is known to have formerly resided. In Column IV, if entered as convict, the name and date of the charge sheet (Form A) and the name of the Police station and dis-

trict, together with the section of Penal Code should be given. Column V, if as convict, the term of sentence will also find entry. This column should be filled up very accurately, as showing how long the convict or bad character has been under Police surveillance.

15. METHOD OF GIVING INFORMATION AND MAKING ENQUIRY.—It shall be the duty of the officer in charge of the Police station, to acquaint himself with the movements of, and to keep a proper surveillance on, the released convicts and bad characters. On the occasion of the release of a notorious criminal, Police officers will do well to make themselves acquainted with his personal appearance, and both officers and men should be familiar with the persons, the habits, the associates, and the mode of life of all noted criminals living in their jurisdiction. This information can be obtained without instituting a system of domiciliary and inquisitorial visits by constables, which would afford opportunities for oppression and extortion. The village police and zemindary agents should be called upon to furnish information useful for the purpose for which this register is kept up. Chowkeedars also, on their attendance at the station for periodical report, shall be required to give information of the absence from, or appearance in, their village of any notorious offenders. Twice or thrice annually, and oftener in the cases of noted and dangerous criminals, the officer in charge of the Police station should either make the necessary enquiries himself, or depute a subordinate head constable to do so. The result and date of such enquiry shall be entered in the remarks of the register by the officer who made the enquiry, together with the names of any two respectable residents of the village, who were present when the enquiry was made. The Inspector or Superior Officer of Police would thus have certain means of ascertaining whether the enquiry was really made.

16. No constable shall be deputed to make such enquiry, nor shall a constable be permitted to make any entry in this register.

17. OUTPOSTS—Enquiries regarding convicts and bad characters living in the limits of an outpost, may be made by the officer in charge of such outpost, who shall be furnished with a list of such convicts and bad characters, and shall report the result of enquiry for entry in the station register. The officer in charge of the Police station shall initial these entries, and shall be responsible that the enquiry has been duly and properly made.

18. The enquiries ordered in paragraphs 15, 17, shall be made only regarding such persons as fall under Class I (paragraph 10). Nothing will be gained by enquiries into the movements and mode of life of persons convicted of offences referred to in paragraph 11, but it may be of service to the Police to know that they have been convicted of a criminal offence, and for this end their names shall be recorded as ordered in the concluding part of paragraph 13.

19. GENERAL REMARKS.—If after due enquiry, it be ascertained that a released convict or bad character has changed or is about to change his residence, copy of his roll should be furnished to the officer in charge of the station to which he has removed or is about to remove. Provided that, if he remove to another district, copy of his roll be submitted through the District Superintendent. Hence, if on release, or at any other time, a convict change his residence, his name shall appear in two registers—in the register of the district in which he formerly resided, and of the district in which he at present resides.

20. No entries in the register, once made, shall be cancelled, except on proper authority, or, on the ascertained death of a convict or bad character; but the Magistrate or District Superintendent shall order the name of any person, regarding whom, in their opinion, local enquiry is no longer necessary, to be removed from the first to the latter portion of the register, *i.e.*, to be transferred from the enquiry list to the non-enquiry list.

21. District Superintendents should personally convince themselves that these instructions are fully understood and acted up to, by carefully going through Part I of the register on visits of inspection. They should also avail themselves of the opportunities afforded during their cold weather tour to visit the villages in which the best known offenders live, and if possible, to converse with them.

Such a procedure would not only show the bad characters that they are known and looked after, but would stimulate the subordinate Police to a careful performance of a most important branch of their duty.

22. Inspectors of divisions will be held answerable for the, proper preparation of the register, and the careful surveillance of convicts in accordance with these rules.

23. On occasion of visits of inspection, Deputy Inspectors-General and District Superintendents will ascertain whether the constables are regularly instructed by their immediate superiors on the subject of residence, connection, associates, means of livelihood, as well as personal appearance of the most notorious criminals in the register, and also whether most superior officers avail themselves of every opportunity to test and record the information of the proceedings of such persons.

24. It must be distinctly understood that this register has in view, not the harassment or annoyance of the criminal class, but the advance of efficiency in the Police, by establishing a record of information regarding persons who are likely to commit offences.

BENGAL POLICE FORM No. 41.

Roll of escaped Convicts and absconded Offenders.

1	2	3	4	5			6	7	8	9	10
Name and Caste of Person with Specification, whether he escaped before or after Conviction.	Name of Father.	Supposed Age and Height of Offender.	Description of his Person.	SUPPOSED USUAL PLACE OF RESIDENCE.			Amount of Reward offered for his Apprehension.	Date and Number of Magistrate's or District Superintendent's Order for Apprehension of Offender.	Date of Apprehension, Surrender or ascertained Death.	No. and Description of Case, and Date on which Charge was preferred, and Name of Station to which Case belongs.	REMARKS.
				Village.	Station.	District.					

District Register of escaped Convicts and absconded Offenders.

Police Station.	Name and Caste.	Offence, Date of Offence, and Reward if any.	Date of		Other Stations to which Roll was circulated and Remarks.
			Entry in Register.	Apprehension, Surrender, or Death.	

PANJAB.

In the Panjab, the following steps are taken with regard to convicts prior to their release:—

In the Lahore Jail, all professional offenders, all convicts sentenced to five years or upwards, prisoners, re-convicted offenders whose past or present offence was of a serious nature, are photographed both on entering and on leaving the jail. These photographs are numbered and preserved in the Central Police office with a brief account of the convict's parentage, residence, and antecedents: the negatives are retained at the jail, and may be had on application when required by District Superintendents or Deputy Commissioners for purposes of identification, &c. An alphabetical list of all photographed offenders is published annually in the *Police Gazette*. The photographs, too, of such prisoners despatched for imprisonment in the Central Jail, or for transportation passing Lahore *en route*, will be taken as District Superintendent's desire in an English letter. Photographs sent for identification when done with should be pasted opposite the man's name in the alphabetical register of convicted criminals—*Pol. Cir.* 44 *of* 1868.

Every Saturday, officers in charge of jails will furnish a descriptive roll in vernacular of all prisoners about to be released during the ensuing week in the form prescribed in Pol. Cir. 26, and Jail Cir. 12 of 1867.

OUDH.

Previous Convictions.

Book Circular No. XIII of 1872.

II. Registers should be opened out in every Deputy Commissioner's office, in the appended form, on the first working day of every year; there should be a separate sheet for every letter of the alphabet; and the name of every person convicted of any of the crimes specified in the margin should be entered in the proper alphabetical sheet, with the particulars required by the column headings.

1. Offences relating to coin and Government stamps (Chap. XII, P. C.)
2. Offences against property (Chap. XVII, P. C.)
3. Giving or fabricating false evidence (Sections 193 and 195, P. C.)
4. Falsely charging any person with having committed an unnatural offence (Sections 211 and 377, P. C.)
5. Assaulting or using criminal force to any woman with intent to outrage her modesty (Section 354, P. C.)
6. Rape (Section 375, P. C.)
7. Unnatural offences (Section 377, P. C.)
8. Forgery (Sections 465, 466, 467, 468, and 469, P. C.)
9. Culpable homicide (Section 304, P. C.)
10. Causing grievous hurt (Sections 323, 326, 329, 331, 333, 335 and 338, P. C.)

III. It will be the duty of the Munsarim to make these entries, when he is preparing the prescribed monthly list of criminal cases for submission to this Court. In cases committed to the sessions, he should make the entries when the sentences therein have been passed by the Sessions Judge. If a prisoner be released on appeal, whether by the Commissioner or by the Deputy Commissioner, a note should be made by the Munsarim, in the column of remarks, of the date and purport of the order of the Appellate Court.

IV. When a prisoner has been convicted for a second time of the same or any other offence, the Munsarim should, if the previous conviction has been in the same year, enter in the proper subordinate column under "Previous Conviction" and opposite the prisoner's name, the serial number of the register for the current year; and, if the previous conviction has been in a former year, the month and year of the previous conviction. If a prisoner be convicted a third time or oftener, a note to that effect should be made against his name in the column of remarks, in addition to the entry in the column of previous convictions which should refer only to the last preceding conviction.

R.

Register of previous Convictions for 1872.

Serial No. of the Year.	Date of Conviction.	Name of the Prisoner including his *alias* if any.	Name of his Father.	Residence.	Profession or Trade.	Caste.	Supposed Age.	Height.	Personal Marks, such as Squint, Lameness, Loss of Limb, Scars, &c.	Of what Offence convicted.	Sentence passed.	Previous Conviction.			Remarks.
												1st.	2nd.	3rd. or over.	
1	May 9th	Rám Bux, *alias* Rámá	Gur Bux	Lacknow city.	Laborer ...	Hindu ...	24	5′ 6′	Big toe of right foot wanting.	Sec. 331, P. C.	6 months' rigorous imprisonment.	Feb. 1870.	...	...	
2	May 20th	Raggonáth Parshád.	Lálta Parshád.	Bijnour village, Pergana Bijnour.	Kaith ...	Hindu ...	36	5 9	Blind of left eye.	Sec. 193, P. C.	1 year's rigorous imprisonment.	...	Oct. 1869.	...	First conviction, Dec. 1866.
3	May 30th	Rassul ...	Husseni ...	Lacknow city.	Service ...	Mahomedan.	19	5 7	None.	Sec. 375, P. C.	6 months' rigorous imprisonment.	...	...	...	
4	Decr. 6th	Rassul ...	Husseni ...	Lacknow city.	Service ...	Mahomedan.	19	5 7	None.	Sec. 375, P. C.	6 months' rigorous imprisonment.	3	...	...	
5															

N.B.—Each alphabetical sheet will bear its own serial numbers, for each year, commencing with No. 1.

NORTH-WEST PROVINCES.

Circular Order No. 1 *of* 1866.

A Register of convictions will be kept by the Magistrate of the district, in the form* appended. It is directed with reference to S. 75, I. P. C., and S. 4 of Act VI of 1864, and will be confined to the following offences :—

(1.) Offences relating to coin and Government stamps (Chapter XII, I. P. C.).
(2.) Offences against property (Chapter XVII, I. P. C.).
(3.) False evidence (S. 193, I. P. C.).
(4.) False evidence with intent to procure conviction of a capital offence (S. 194, I. P. C.).
(5.) False evidence with intent to procure conviction of an offence punishable with transportation or imprisonment (S. 195, I. P. C.).
(6.) Falsely charging any person with having committed an unnatural offence (Ss. 211 and 377, I. P. C.).
(7.) Assaulting any woman, with intent to outrage her modesty (S. 354, I. P. C.).
(8.) Rape (S. 375, I. P. C.).
(9.) Unnatural offences (S. 377, I. P. C.).
(10.) Robbery or dacoity (Ss. 390 and 391, I. P. C.).
(11.) Attempting to commit robbery (S. 393, I. P C.).
(12.) Voluntarily causing hurt in committing robbery (S. 394, I. P. C.).
(13.) Habitually receiving or dealing in stolen property (S. 413, I. P. C.).
(14.) Forgery (S. 463, I. P. C.).
(15.) (16.) Forgery of a document (Ss. 466 and 467, I. P. C.).
(17.) Forgery for the purpose of cheating (S. 468, I. P. C.).
(18.) Forgery for the purpose of harming the reputation of any person (S. 469, I. P. C.).
(19.) Lurking house-trespass or house-breaking (Ss. 443 and 445 P. C.) to commit any offence punishable with whipping under S. 4, Act VI, 1864.
(20.) Lurking-house-trespass by night or house-breaking by night (Ss. 444 and 466, P. C.) to the commit an offence punishable with whipping under S. 4 of Act VI, 1864.

3rd.—A similar Register will be kept by every Officer in charge of a *subdivision* of a district. Copies of the entries in the Register will be sent monthly to the Magistrate of the district, for incorporation in the general District Register.

CENTRAL PROVINCES.

In the Central Provinces (Book Circular VII, 1864*).*

1. Every District Superintendent will keep a register of released criminals, who are ordered to be kept under local surveillance in his district, and will enter in this a copy of the register of each convict at the time of release. This he will receive from the Magistrate of the district.

2. When (Rule 5) a convict is made over to the Police to be released in his village, it will be the duty of the District Superintendent to have him sent at once to the Police station-house, within the limits of which the village is situated, and, on his arrival there, the chief constable will foward him on to his village, to be released in the presence of the village headmen. Thus, the chief constable and all the Police present at the station-house will have an opportunity of becoming acquainted with his personal appearance. The Police must see that the prisoner is released by the date on which his sentence expires.

3. In fowarding the convict for release to the chief constable of the station-house, the District Superintendent must acquaint the chief constable with the crime for which he was sentenced, and the punishment he has suffered, and he must be

* Same form as that used in Oudh, p. 1229.

directed to keep him under the surveillance of the Police. Frequent enquiries should be made of the village headman as to his conduct and pursuits.

4. The village headman should be instructed to give immediate intimation to the chief constable whenever a released convict under surveillance changes his residence, and this should be at once reported by the chief constable to his District Superintendent. When the convict has merely removed to another village in the same district, notice should be sent by the District Superintendent to the chief constable of the circle within which the convict's new residence is, and a note of his change of residence made in the register. When he removes to another district, then an extract of his register, and a notification of the place, where he has gone to reside, should be sent to the District Superintendent of the district to whicch he has gone, and that District Superintendent will immediately communicate it to the District Magistrate of that district. The District Superintendent of the convict's old district will report to his Magistrate that the convict has left the district.

5. Surveillance thus enjoined while it must not interfere in any way with their personal liberty should be so effective as to enable the District Superintendent at any time to lay his hand upon any one of the individuals who are entered in his registers. When the District Superintendent happens to be in the neighbourhood of any village where one of these registered convicts resides, he should personally ascertain from the headman how he is conducting himself. No man is ever to be taken off the register, without the concurrence of the Magistrate.

REGISTER OF PREVIOUS CONVICTIONS.

Book Circular No. VIII of 1870.

Register of previous Convictions.

3. A monthly register slip will be sent from the "Printing Jail" in each Criminal Circle to each District Superintendent of the circle, it will be in the vernacular of the circle. A sufficient number of copies will be sent to enable each District Superintendent to furnish his own office register, and the register to be kept at each Tahsíl station-house. Registers will also be kept in the cities and cantonments of Nágpúr, Ságar, Jabalpúr and Kámthí. The monthly register slip of each circle will embrace every prisoner released during the month from every jail in the circle, who has been imprisoned for any of the offences enumerated under heading II of the Chief Commissioner's circular. This slip will be printed on one side of the paper only, and a space will be left between each entry in it.

4. A large blank book will be provided for each register. In this book a certain number of pages will be appropriated, at the discretion of the District Superintendent, for each of the classes of crime shown in the Chief Commissioner's circular. Thus, the register will be divided into eight portions, there being one portion for each of the following class of offences:—

(1).—Offences under Chapter XII, Indian Penal Code, or offences relating to coin and Government stamps.

(2).—Offences under Section 328, *viz.*, administering stupefying drugs with intent to hurt.

(3).—Offences under Section 369, kidnapping or abducting a child with intent to take property from its person.

(4).—Offences under Sections 372 and 373, selling, letting to hire, or otherwise disposing of minors for prostitution, &c.

5. On receipt of the monthly slip, the District Superintendent will have it cut into strips, each strip containing one entry, and each strip will then be numbered and pasted into the register in the class to which it belongs. For example, if the monthly slip of any circle contains the register of a false coiner and a dacoit, who have been released during the month, the slip will be cut into three strips, one of which will be pasted into the portion of the register appropriated coiners, Class 1,—

and one into that for robbers and dacoits, Class 6. As the slips are received in subsequent months, they will be cut up and distributed in the register in the same way, care being taken to paste each strip immediately below the one that preceded it, so as to economise room and prevent the register from being rapidly filled up.

The slips for the registers at tahsíl stations will be treated in the same way.

6. The first column in the slips is for the "Police Register Number," and this must be filled up in the District Superintendent's office, a *separate* series of numbers being kept for each class of criminals. Thus, the first strip entered in the portion of the register appropriated to robbers and dacoits will be number 1, the first in the portion for coiners will be number 1, and so on, and for each portion of the register there must be an index to afford facility for reference. This should be an alphabetical one. It will be sufficient to enter in the index the criminal's name, residence, and register number, but it must be remembered that habitual offenders frequently change their names; therefore, when there is reason to believe that a person whom the Police are about to charge with an offence has been previously convicted, although his name may not be found in the register, it will be necessary to search the register of the class to which he is believed to belong, and to compare his appearance with the description given of the criminals who are entered in it. There should not be much difficulty in identifying an offender if his height, age, and particular marks have been accurately recorded by the jail authorities in the register.

7. When a District Superintendent has reason to believe that a person whom he is about to send up for trial has been convicted previously and registered in another circle, he should refer to one of the District Superintendents of such circle, or to the Inspector-General, to ascertain whether such is the case. A register of each circle will be kept in the Inspector-General's office.

8. All the subordinate Police must be carefully instructed that no person is to be put under Police surveillance because his name appears in the register. District Superintendents will be good enough to ascertain that it is thoroughly understood by their Police that this register has no connection with that of men placed under surveillance by order of the Magistrate, and that the persons whose names are entered in it are not to be subjected to any annoyance whatever, or to be interfered with in any way by the Police.

BOOK CIRCULAR No. VII.

In continuation of Book Circular No. VIII of 1870, the following instructions are issued:—

2. It is desirable that every offender entered in the register of previous convictions, ordered to be kept in the Book Circular above referred to, should have the same general number in each Circle Register, and when the Book Circular was issued it was supposed that this would be provided for by the monthly list issued from each printing jail, being printed in one long roll, and that to each person to be entered in the register would be assigned a number in the class to which he belonged, corresponding to his position in the roll.

3. It seems, however, that instead of one roll for the whole circle, the printing jails issue a separate roll for each district of the circle, and thus confusion is likely to arise in the numbering of the offenders, as one District Superintendent may enter the offender of one district first in his register, and another District Superintendent may enter another.

4. To avoid this, and to secure uniformity in numbering, the district rolls received from the printing jails for each circle will be taken in the following alphabetical order:—

For the Urdú Circle.

1.—Betúl.
2.—Chhindwara
3.—Damoh.
4.—Hoshangabad.
5.—Jabalpúr.
6.—Narsinghpúr.
7.—Nimar.
8.—Sagar.
9.—Seoní.

For the Mahrathi Circle.

1.—Balaghat.
2.—Bhandara.
3.—Chonda.
4.—Nagpúr.
5.—Wardha.

For the Hindi Circle.

1.—Bilaspúr.
2.—Mandla.
3.—Raípúr.

Thus, in the Urdu Circle the first offender who belongs to the class which comprises thieves in the Betul roll received from the printing jail for January will be No. 1 of that class in the register, the second thief of Betúl will be No. 2, &c. When the Betúl thieves are exhausted the first thief in the Chhindwara roll will be entered with his appropriate number, and so on all through for the thieves; and, in like manner, the other offenders will be entered under their separate classes following each other in the register, and receiving their register number according to the district of the circle to which each belongs.

BOOK CIRCULAR No. XII OF 1871.

In continuation of this Office Book Circular No. VIII of 21st December last, the following modifications have become necessary in the method for keeping the registers of previous convictions.

2. Each District Superintendent will keep two registers of previous convictions,—

(1).—The Circle Register.
(2).—The District Register.

The "Circle Register" will be kept in every respect as ordered in the Book Circular No. VIII, and will contain a register of all criminals, as therein ordered, *with the exception* of those convicted of offences under the following sections of the Penal Code:—

Section 379 to 382.—Theft.
" 411 to 414.—Receiving stolen property.
" 451, 454, 457.—House-breaking.
" 461. Dishonestly breaking open a closed receptacle, supposed to contain property.

The "District Register" will contain a register of offenders convicted of the offences above enumerated, which, as just stated, will in future be excluded from the "Circle Register."

3. The "District Register" will be kept in precisely the same way as the "Circle Register." At the beginning of every month, each District Superintendent will receive from the Superintendent of the jail or lock-up in his own district a register slip, in the prescribed form, of the offenders convicted of any of the offences specified above, who have been released during the previous month from his jail, or who, having been sent to undergo their punishments in a Central Jail, have been released therefrom. These slips will be cut up into strips, as directed for the "Circle Register," and will be pasted into the "District Register," which must be carefully indexed from month to month.

4. By this arrangement each register will be kept down to a manageable size, and references for ascertaining previous convictions will be comparatively easy.

5. When a District Superintendent has reason to think that a person whom he is about to send up for trial has been convicted in some other district of an offence that involves registration in the District Register, he will only have to send the descriptive roll to the Superintendent of that district, and request him to search his register for the previous conviction.

TOLLS, N. W. P.

ACT I OF 1867.

II. The Governor of the Presidency of Fort William in Bengal, the Lieutenant-Governor of the North-Western Provinces of Bengal, may cause such rates of toll, not exceeding the rates mentioned in the schedule annexed to this Act, as they respectively think fit, to be levied upon any road or bridge which has been, or shall hereafter be made or repaired at the expense of the Government; and may place the collection of such tolls under the management of such persons as may appear to them proper: and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of the land revenue.

III. In case of non-payment of any such toll on demand, the officers appointed to collect the same may seize any of the carriages or animals or which it is chargeable, or any part of their burden of sufficient value to defray the toll; and, if any toll remains undischarged for twenty-four hours, with the cost arising from such seizure, the case shall be brought before the officer appointed to superintend the collection of the said toll, who may sell the property seized for discharge of the toll, and all expenses occasioned by such non-payment, seizure, and sale, and cause any balance that may remain to be returned, on demand, to the owner of the property; and the said officer, on receipt of the property, shall forthwith issue a notice, that at noon of the next day, exclusive of Sunday, or any close holiday, he will sell the property by auction. Provided that if, at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized.

IV. No tolls shall be paid for the passage of troops and military stores and equipages on their march, or of Police officers on duty, or of any person or property in their custody: but no other exemption from payment of the tolls levied under this Act shall be allowed.

V. All Police officers shall be bound to assist the toll Collectors, when required, in the execution of this Act; and for that purpose shall have the same power which they have in the exercise of their common Police duties.

VII. A table of the tolls authorized to be taken at any toll-gate or station, shall be put up in a conspicuous place near such gate or station, legibly written or printed in English words and figures, and also in those of the vernacular language of the district, to which shall be annexed, written or printed in like manner, a statement of the penalties for refusing to pay the tolls and for taking any unlawful toll.

VIII. The tolls levied under this Act shall be deemed public revenue; but the net proceeds thereof shall be applied wholly to the construction, repair, and maintenance of roads and bridges within the Presidency in which they are levied.

Schedule of Offences punishable under Act VIII of 1851.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
6	Any person other than the person appointed to collect tolls under this Act levying or demanding any toll on any public road or bridge or for passing through any bazaar situate thereon, or unlawfully demanding, or in any manner unlawfully extorting money or any valuable thing from any person under color of this Act.	Any person.	N. C.	S.	B.	Imprisonment not exceeding 6 months, or fine not exceeding Rs. 200.	Magistrate of 3rd class.	Part of fine may be given to person aggrieved.

TRANSMISSION AND DEPORTATION (PANJAB).

Circular 9 *of* 1862, *dated* 15*th February*.—With the sanction of His Honor the Lieutenant-Governor, the following instructions are hereby issued, on the subject of deportation of persons from the Panjab, or transmission from one district to another in the Panjab, or from one part of India to another.

Police officers will refuse to receive charge of any person, or persons, for the purpose of deportation, or transmission, under Police custody, unless accompanied by the warrant of a Magistrate of a district, or an officer exercising the powers of a Magistrate of a district, clearly and distinctly stating:—

1*st*.—The names of parties to be deported.

2*nd*.—Place whence sent, and whether carriage is required.

3*rd*.— Village, district, division, in which to be discharged.

4*th*.—Food to be supplied or not, and at what rate per diem, and how to be adjusted.

5*th*.—Reasons for which the deportation or transmission has been ordered, and by what authority.

6*th*.—If any property, arms, or cash, accompanies the prisoner, this to be stated.

Police officers will, within 24 hours after arrival at the head-quarters or out-station of the district, in which is situated the "place of discharge," take the parties with the warrant before the Magistrate, or other officer as above defined, who will pass the necessary orders for their final discharge.

Parties deported from the North-Western Provinces, with a defective warrant, must be received, and at once taken before the Magistrate who will pass the necessary orders for their detention, pending a reference to the officer who ordered their deportation.

To save trouble, and ensure correctness of orders, Police officers will keep blank lithographed forms in the vernacular, and when ordered by a Magistrate to receive parties for transmission, will submit a form to be filled up and signed, and sealed with the seal of Magistrate's office, as follows:—

POLICE DEPARTMENT. _____DISTRICT.

*Dated*_____186

SEAL OF MAGISTRATE'S COURT.

ORDER FOR DEPORTATION OR TRANSMISSION.

1	2	3	4	5	6	7
Number.	Name, Caste and Occupation of Parties.	Places from whence sent or transmitted.	Place at which to be discharged.	Food to be supplied or not, and Rate per Diem.	Reasons for the Order of Transmission.	REMARKS.

(Sd.) A. B.,
Magistrate.

Certified that the parties herein named were duly presented before me on the _____of_____186 , and were by me duly discharged.

*Dated*_____ } (Sd.) A. B.,
Deputy Commissioner,
_____*District.*

This form, duly signed on the back by the Magistrate before whom the parties are discharged, will be returned by the police department to the Magistrate who ordered the deportation or transmission.

It will thus be seen that unnecessary delay did not occur on the road, and the duty will be performed with efficiency and regularity.

TRANSPORTATION, N. W. P.

CIRCULAR ORDER 23 OF 1870.

JUDICIAL (CRIMINAL).

The Government of India determined that the condition of the prisoners should be closely examined before transportation, and that no convict above 45 years of age, and who was not in robust health and fit for hard labour, should be transported to a penal settlement beyond seas. But this rule has been so far relaxed that prisoners above that age may now be transported provided that stringent precautions are taken to ensure the selection of such convicts only, whose general health and condition are likely to bear up fairly against trans-marine transportation and the foreign climate.

2. With the view of giving full effect to these instructions, the Hon'ble the Lieutenant-Governor is pleased to direct that every convict, whose sentence of transportation it is intended to carry into effect, shall, before he is sent to the port of embarkation, be examined by a Committee consisting of the Superintendent of the Central Jail in which he is confined, and the Magistrate or Joint-Magistrate of the district in which the Central Jail is situated.

3. If on examination the convict, under sentence, appears to have passed his 45th year, or is from infirmity or disease unfitted for hard labour, the Committee will submit a report accordingly to the Inspector-General of Prisons for the orders of Government, and such convict shall not be sent from the jail in which he is confined until the orders of Government are received. The Committee will specify in their report whether the infirmity or disease is of a chronic or temporary nature.

4. I am to request that you will issue the necessary orders to the officers subordinate to you for the assembling of the Committee in conjunction with the Superintendents of the Central Jails, and for the due observance of the above instructions.

CIRCULAR No. 50A.

The Lieutenant-Governor is pleased to relax the rule contained in paragraph 2, that the Committee for the examination of convicts sentenced to transportation shall consist of the Magistrate or Joint-Magistrate and Superintendent of the Central Jail, and to authorize the Senior Assistant Magistrates to serve on such Committees, when the Magistrate or Joint-Magistrate may be unable to serve.

VACCINATION, N. W. P.

CIRCULAR No. 28A OF 1867.

With a view to the general recognition of vaccination as a prophylactic to which the State attaches great importance, and the acceptance of which is earnestly desired, His Honor the Lieutenant-Governor has been pleased to direct that all future candi-

dates for Government employment must, as a necessary condition of their being entertained, be furnished with a certificate of having been successfully vaccinated, except in the event of their having had natural or inoculated small-pox.

(*Note*—Is this Circular more honored in the breach than in the observance? Is it ever duly carried out?—*Ed.*)

VISITORS' BOOK.

CENTRAL PROVINCES CIRCULAR No. 146, DATED 30TH OCTOBER 1862.

District Superintendents will be good enough to supply to each station-house, in their respective districts, a small memorandum book to be called "The Visitors' Book." The chief constables commanding station-houses are to be directed to present this book to every Police officer, and to every officer of the commission who may visit their posts.

2. It is requested that any officer who may have any fault to find or observation to make, which he thinks should be brought to the notice of the District Superintendent, will enter it in this book appending the date and his signature. The District Superintendent on his tours should always call for these books and inspect the entries. He should also record in them his own impressions of the efficiency of the Police at the posts and note any of faults that require correction. He will then be able on his subsequent visits to see whether his instructions on these points have been attended to.

In Bengal.

Magistrates of districts to direct all or any of their subdivisional officers to inspect police-stations and out-posts within their respective subdivisions, with the proviso that while subdivisional officers may remark on all points, they can only give orders in matters affecting the preparation and trial of cases, and not orders of a general character relating to police administration. When a subdivisional officer considers the issue of any order of the latter kind necessary or desirable, he should submit the matter for the consideration of the Magistrate of the district.—*Pol. C.* 7 *of* 1872.

VOLUNTEERS, POWERS OF.

ACT XX OF 1869.

XXIII. Any member of a corps of volunteers, whenever he may be in discharge of his duty as a member of the corps, and wheresoever he may then be, may disarm any person not being in Her Majesty's military or naval service, or a Police officer, found between sunset and sunrise in any public street, thoroughfare or other public place, armed with a sword, spear, gun or other warlike instrument, without a pass or license for that purpose from the Commissioner of Police or other officer authorized by Government to grant the same;

and may also disarm any person found armed at any time contrary to law or to any order of Government in any public street, thoroughfare or other public place.

Schedule of Offences punishable under Act XX of 1869.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
21	Assaulting or resisting or abetting within the meaning of the Indian Penal Code any person in assaulting or resisting any member of such corps in the discharge of his duty.	Any person.	N. C.	S.	B.	Fine not exceeding Rs. 200, or imprisonment for any term not exceeding 6 months of either kind or both.	Any Magistrate.	

WEAPONS, ARMS, AND AMMUNITION.

Schedule of Offences punishable under Act XVIII of 1841.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
1	Exporting, or otherwise taking out of British India, without a license and full compliance of all rules and conditions prescribed for the purpose, arms,* ammunition, and military stores, unless at any port where exportation without a license has been allowed.	Any person.	N. C.	S.	B.	Fine not exceeding Rs. 500 ...		* Does not apply to arms in possession of individuals for private use.

ACT XXXI OF 1860.

Amended by Act VI of 1866.

XX. The Governor-General of India in Council or the Local Government may at any time seize all sulphur in the possession of any person, and detain the same for such time as they may deem necessary for the public safety.

XXI. Nothing in this Act shall apply to sulphur kept or sold in reasonable quantities for medicinal purposes.

XXV. If any person shall be found carrying or conveying any arms, military stores, percussion caps, &c.,* in such a manner or under such circumstances as to afford just grounds of suspicion that the same may be used for any unlawful purpose dangerous to the public peace, it shall be lawful for any Magistrate, Deputy Magistrate, or Assistant to Magistrate, or Police Officer, or for any other person, to apprehend without warrant the person so carrying or conveying such arms, military stores, percussion caps, &c., and to detain such person in custody in order that he may be dealt with according to law. If apprehended by a person not being a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or Police Officer, the offender shall be delivered over as soon as possible to a Police Officer; and all persons apprehended by or delivered to a Police Officer under the provisions of this Section shall be carried before a Magistrate or other Officer competent by law to punish him for the offence or to commit him for trial.

XXVI. If any person shall go armed with or carry any arms† without having obtained a license from a Magistrate or other Officer authorised by the Governor-General of India in Council or the Local Government authorising him to carry arms, he shall be liable to be disarmed by any Magistrate, Joint Magistrate, or Deputy Magistrate, or Assistant to a Magistrate, or by a Police Officer, if in the judgment of such Magistrate or other Officer aforesaid it is dangerous to the public peace to allow such person to go armed or to carry arms.

XXVII. The provisions of the last two Sections do not apply to—

Officers, Non-Commissioned Officers, Warrant Officers, Soldiers, and Sailors, in the Military or Naval Service of Her Majesty, in respect of arms and ammunition kept by them for use in the public service. Members of Volunteer Corps in respect of such arms and ammunition.

II. The license may be granted by the Magistrate or other person specially authorized to grant the same, subject to such condition or conditions, if any, as such Magistrate or other person shall think fit; and on breach of any such condition, or failure to comply therewith, such license shall thereupon be null and void.

Police and Revenue Officers and other persons in respect of arms and ammunition furnished by Government for use in the public service or provided by themselves with the sanction of Government for such use.

XXXVIII. License‡ to carry arms may be granted by any Magistrate or other Officer specially authorised by the Governor-General of India in Council or the Local Government to grant such licenses§, and may be revoked or suspended by any Officer authorised to grant such licenses‖ whenever he may think fit.

XXIX. The license¶ shall be in the form prescribed by the Governor-General of India in Council.

XXX. The license¶ shall state whether its operation is limited to the person in whose favor it is granted and whom it shall mention by name, or whether it

* *i.e., sulphur, gunpowder or other ammunition.*

† See note ‡, p. 1236.

‡ These are personal, untransferable, and unheritable in N. W. P.—Res. of 1860.

§ See note ‡, p. 1236.

‖ This section not in force in any of the Provinces of Lower Bengal.

¶ These are personal, untransferable and unheritable—Res. 2680A of 1860. They should never, in the N. W. P., be, except by special permission to be obtained from District Magistrate, worn, used, or carried at fairs, processions, places of public resort, and where large crowds are assembled. These words should be inserted in the license.

extends to any of his followers. In the latter case the number of the followers of such person licensed to carry arms and the number of description of arms to be carried by each of such followers shall be specified.

XXXI. Whenever a Magistrate shall have reason to believe that any person residing within the limits of his jurisdiction has in his possession any arms of the description mentioned in Section VI of this Act, or percussion caps, sulphur, gunpowder, or other ammunition for any unlawful purpose, or that such person cannot in the judgment of the Magistrate be left in the possession of any such arms, percussion caps, sulphur, gunpowder, or other ammunition without danger to the public peace, it shall be lawful for such Magistrate, having first recorded the grounds of his belief, to cause a search to be made of the house or premises occupied by such person, or on which the Magistrate may have reason to believe such arms, percussion caps, sulphur, gunpowder, or other ammunition are to be found, and to seize and to detain the same in safe custody for such time as he may deem necessary. The search in such case shall be conducted by or in the presence of the Magistrate or by or in the presence of a Joint or Deputy Magistrate, or a European Assistant, or by or in the presence of some European Officer, Civil or Military. to be specially empowered by Government.

XXXII.* *Clause* 1.—It shall be lawful for the Governor-General of India in Council or for the Executive Government of any Presidency or for any Lieutenant-Governor, or, with the sanction of the Governor-General in Council, for the Chief Commissioner or Commissioner of any Province, District, or place subject to their administration respectively, whenever it shall appear necessary for the public safety, to order that any province, district, or place shall be disarmed.

Clause 2.—In every such province, district, or place as well as in any province, district, or place in which an order for a general search for arms has been issued and is still in operation under Act XXVIII of 1857, it shall not be lawful for any person to have in his possession any arms of the description mentioned in Section VI of this Act, or any percussion caps, sulphur, gunpowder, or other ammunition without a license.

Clause 3.—Licenses† to have in possession any arms of the description mentioned in Section VI, or percussion caps, sulphur, gunpowder, or other ammunition may be granted by any Magistrate or other Officer specially authorized by the Governor-General of India in Council or the Local Government to grant such licenses, and may be revoked or suspended by any Officer authorised to grant such licenses whenever he may think fit. The license shall be in the form prescribed by the Governor-General of India in Council or by the Local Government.

Clause 4.—If any person shall have a license from the Magistrate of the district or place at which he resides or may be, to carry on a journey such arms as the Magistrate may consider reasonable for his private use, and shall obtain from such Magistrate a license stating the name and address of such person, the route by which he intends to proceed, the time which such journey is expected to occupy, and the arms which he is permitted to carry, such license shall have the same force and effect according to its tenor, in every district or place specified therein, as if leave to go armed had been granted by the Magistrate of such district or place.

Clause 5.—In every province, district, or place which shall be ordered to be disarmed, the order of the Governor-General of India in Council or of the Local Government shall be published in the *Calcutta Gazette* or in the Gazette in which the orders of the Governor-General of India in Council or the Local Government making the order, as the case may be, are usually published, and shall also be made public in such other manner as the Governor-General of India in Council or the Local Government shall direct.

* This section not in force in any of the Provinces of Lower Bengal.

† These are personal, untransferable, and unheritable—Res. 2680A of 1860. They should never, in the N. W. P., be, except by special permission to be obtained from District Magistrate, worn, used, or carried at fairs, processions, places of public resort, and where large crowds are assembled. These words should be inserted in the license.

Clause 6.—Every person who, after the expiration of the time mentioned in such order in any province, district, or place to which this Section shall be extended, or who, after the 1st day of October 1860, in any province, district, or place in which an order for a general search for arms has been issued and is still in operation as aforesaid, shall have in possession or custody any such arms as aforesaid, or any percussion caps, sulphur, gunpowder, or other ammunition, without such license as aforesaid, shall be liable to be imprisoned with or without hard labour for a term not exceeding two years, and also to a fine not exceeding one thousand Rupees, and it shall be lawful for the Magistrate or other Officer mentioned in the order to search or cause to be searched any house or premises occupied by such person, or in which the Magistrate may have reason to believe that any such arms, percussion caps, sulphur, gunpowder, or other ammunition are concealed.

Clause 7.—The search shall be conducted by or in the presence of the Magistrate or by or in the presence of a Joint or Deputy Magistrate or European Assistant, or by or in the presence of some European Officer, Civil or Military, appointed by Government to conduct such searches; and all such arms, percussion caps, sulphur, gunpowder, and other ammunition found on such search shall be confiscated.

Clause 8.—The provisions of this Section shall not extend to any person or persons exempted by the authority of the Governor-General of India in Council, or of the Local Government of the proclaimed district, or by any European Officer serving in such district duly authorized by the Local Government on that behalf.*

XXXV. Except as otherwise provided, all offences under this Act may be tried by any Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, unless the period of imprisonment to which the offender may be liable exceed that which the Magistrate, Joint Magistrate, or other Officer as aforesaid is competent to award under the laws for the time being in force in the Presidency or place in which such Magistrate, Joint Magistrate or other Officer as aforesaid is employed. When the period of imprisonment provided by this Act exceeds the period that may be awarded by such Magistrate, Joint Magistrate, or other Officer as aforesaid, the offender shall be committed for trial before the Sessions Judge, if the evidence given before such Magistrate, Joint Magistrate, or other Officer as aforesaid shall appear to such Magistrate, Joint Magistrate or other Officer sufficient for the conviction of the accused.

XXXVI. Except as aforesaid, all offences declared to be punishable under this Act with fine, or fine and imprisonment, may be tried in the district or place in which the offence was committed, or in which the person charged with the same is apprehended.

XXXVII. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only, to any of his Assistants, and in such case every such Assistant may exercise all the powers vested in a Magistrate by any law for the time being in force, subject to all the rules applicable to criminal cases deputed to such Assistant acting judicially.

XXXVIII. The Local Government may give general authority to any such Assistant to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant within one month from the date of conviction.

XXXIX. A Magistrate may at any time call from any of his Assistants any case pending before such Assistants.

XL. If any offence which by this Act is declared to be punishable with fine and imprisonment or imprisonment only, shall be committed by a European British subject, beyond the local limits of the jurisdiction of Her Majesty's Supreme Courts of Judicature, the offender shall be liable, upon conviction before one of the said Supreme Courts of Judicature, to the punishment to which by this Act the offender is declared to be liable upon conviction.

* Active search for arms in N. W. P. unnecessary—2680*A of* 1860.

XLI. If any offence which by this Act is declared to be punishable with fine and imprisonment not exceeding six months, shall be committed by any person within the local limits of the jurisdiction of any Court of Judicature established by Royal Charter, such offence shall be punishable upon summary conviction by any Police Magistrate of the Presidency Town or Station in which such Court is held.

XLIII. All other offences punishable under this Act which shall be committed within the local limits of any Court of Judicature established by Royal Charter, shall be punishable by such Court.

XLIV. All forfeitures or penalties imposed under the authority of this Act for offences punishable by any Magistrate of Police, or by any Magistrate or person lawfully exercising the powers of a Magistrate, or Assistant Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant under the hand of any of the abovenamed Officers.

XLV, XLVI and XLVII, same as Ss. XVII, XVIII and XIX, Act XVI, 1861, *q. v.*, p. 1181.

XLVIII. Any fine or penalty levied from any person convicted of an offence under this Act, or any portion of such fine or penalty, may be awarded to the person on whose information the conviction shall take place.

XLIX. No suit, action, or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended action and of the cause thereof, nor after the expiration of three months from the accrual of the cause of action or other proceeding.

L. It shall be lawful for the Governor-General of India in Council or for the Executive Government of any Presidency or for any Lieutenant-Governor, or with the sanction of the Governor-General of India in Council for any Chief Commissioner of any province, from time to time to withdraw from the operation of all or any of the provisions of this Act any part or parts of any district or place; and in like manner, as occasion shall require, to subject the same again to the operation of all or any of the provisions of this Act.

LI. Nothing in this Act shall be construed to alter or affect the provisions of any Law or other Regulation for the time being in force relating to licenses.

LII. Whenever an award of hard labour is made under this Act, the Court shall not commute such labour to the payment of a fine under Regulation II, 1834, of the Bengal Code.

Schedule of Offences punishable under Act XXXI of 1860.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
2	Manufacturing or assisting in manufacturing cannon, howitzer or mortar* unless authorised by Government.		N. C.	S.	B.	Fine not exceeding Rs. 1,000, and imprisonment of either kind not exceeding 3 years.	*Sessions.*	* Authority to be in writing signed by Government Secretary, and to specify the number allowed. Rs. 50 fee payable on delivery of such permission, s. 4. † Not to extend to ordinary armament of any ship or vessel. ‡ Arms include firearms, bayonet, sword, dagger, spear-head, and spear, s. 6. § Licenses grantable by Magistrate or person authorized by G. G. in C. or Executive Government to be in form prescribed and engrossed on stamp paper of Rs. 10. Separate licenses for sulphur, ss. 7, 8. Licenses to be in force for one year from date, s. 12. They may be granted subject to such conditions as shall be thought necessary, and may be revoked
3	Possessing† any of the above, except in course of duty as Government public Officer.		See s. 25.	"	"	Fine not exceeding Rs. 500 for each: in default, imprisonment of either kind not exceeding 1 year.	2nd and 3rd class Magistrates if empowered by Magistrate or Government.	
5	Manufacturing, repairing, selling, keeping, or exposing for sale‡ arms or percussion caps, sulphur, gunpowder, or other ammunition without or contrary to conditions of license.§	person.	N. C.	"	"	Fine not exceeding Rs. 500, or imprisonment of either kind not exceeding 2 years, or both, and if Court adjudge forfeiture of the arms or ammunition.	1st class Magistrates.	

10	Licensed manufacturer or vendor of arms and ammunition omitting to put up‖ board in conspicuous part of shop or usual place of business.	Any	"	"	"	Fine not exceeding Rs. 100	As under s. 3.
11	Person not licensed putting up‖ board in conspicuous part of shop or usual place of business.		"	"	"	Ditto ditto.	"
13	Knowingly purchasing arms or *percussion caps, sulphur, gunpowder or other ammunition* from unlicensed person.		"	"	"	Ditto ditto.	"
14	Licensed manufacturer or vendor of arms or *percussion caps, &c.*, failing to keep book¶ or to make entries required,** or preventing or obstructing inspection of book†† or making false entry therein.		"		"	Fine not exceeding Rs. 500, plus double the value of any arms, *percussion caps, &c.*, sold without or under false entry, and if Court adjudge, forfeiture of license.	"
15	Licensed manufacturer or dealer intentionally concealing from Magistrate or Officer duly authorized by Government any part of his stock-in-trade, or wilfully refuse to point out where the same is kept.		"	"	"	Fine not exceeding Rs. 500, or imprisonment of either kind not exceeding 2 years, or both, and if Court adjudge, seizure and confiscation of any arms belonging to offender.	1st class Magistrate.
18	Importing or attempting to import without license‡‡ by sea or land into any part of territories in possession and under the Government of India any *cannon, &c.*, or any arms, *percussion caps, &c.*, or		See s. 25.	"	"	Imprisonment of either kind not exceeding 3 years, and fine not exceeding Rs. 1,000, and if Court adjudge, articles so imported to be confiscated.	*Sessions.*

or suspended by Officer authorised to grant such licenses whenever he may think fit, s. 16. These licenses are untransferable, but if licensee dies within one year from renewal, they are heritable.

‖ Board to have on it printed a vernacular inscription in large letters "License to manufacture or deal in ", s. 9.

¶ To be kept for the purpose.

** An account of all stock-in-trade which he may have from time time in possession or under control; the name and address of every purchaser of arms, *percussion caps, &c.*, sold, together with nature, description of quantity of arms, *percussion caps, &c.*

†† To be open at all times to inspection by Magistrate or duly authorized Government Officer.

‡‡ From Governor-General in Council, or Officers authorized by Governor-General in Council, s. 17, see p. 1239.

Schedule of Offences punishable under Act XXXI of 1860.—(Concluded.)

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
	aiding or assisting in such importation or attempt, or knowingly concealing, or assisting in concealing any *cannon, &c.*, or arms, *percussion caps, &c.*, imported without such license.*							
22	Transporting or causing to be transported,† or attempting to transport or cause to be transported, or aiding in transporting any arms, military stores, lead, sulphur, saltpetre, gunpowder, or other ammunition contrary to order, or rules and conditions specified therein; or	Any person.	See s. 25.	S.	B.	Fine not exceeding Rs. 500, or imprisonment of either kind not exceeding 3 years, or both, and confiscation of articles transported or attempted to be transported.	*Sessions.*	
	by concealment or other device, transporting or causing to be transported, or attempting to transport or cause to be transported any of the above.‡		C.	W.	N. B.	In addition to the above, imprisonment of either kind not exceeding 7 years.	"	

* This does not extend to arms *percussion caps, &c.*, imported by any person in reasonable quantities for his own private use. Collector of Customs may, however, detain any of such articles he thinks necessary, until he receive order of Government, s. 19.

† Governor-General in Council or Local Government may prohibit such transport from one part of India to another, or in any particular direction to be specified in order or

33	Having in possession or powers any arms, *percussion caps, &c.*; or knowing where such are concealed, and refusing to produce or point out the same to officer making the search; or intentionally concealing or attempting to conceal such.§	"	"	S.	B.	Imprisonment of either kind not exceeding 2 years, and fine not exceeding Rs. 1,000.	1st class Magistrates	transport, except according to such rules and conditions as may be specified in the order, see p.
34	Assaulting or resisting, or aiding or assisting any person in assaulting or resisting any person in execution of any power vested in him by this Act.	"	N. C.	"	"	Fine not exceeding Rs. 200, or imprisonment of either kind not exceeding 6 months, or both.	"	

‡ This does not extend to arms, *percussion caps, &c.*, transported by any person in reasonable quantities for his own private use in any district or place not ordered or liable to be disarmed.

§ This and s. 33 refer to districts disarmed under s. 32. Not now in force in any portion of the territories of Lower Bengal.

Universal.

Under s. 17 the Governor-General in Council hereby authorizes the chief officer of Police in every seaport town and frontier district in India to grant licenses for the importation of arms, percussion caps, sulphur, saltpetre, gunpowder and other ammunition, subject to the general control and directions of the chief executive authority of the presidency or place.

Res. No. 2680*A of* 1860, *N. W. P.*

The Magistrate granting a license under s. 7 to deliver to each licensee two books to show stock-in-trade and to show sales of each day. The pages should be numbered from beginning to end, and first and last page signed by Magistrate or some European Subordinate, and sealed with his official seal. The licensee to pay the cost of them. So also with sulphur licenses.

No. 363, 1*st April* 1868.

It is hereby notified for general information that Act VI of 1866 (by which Act XXXI of 1860, "The Arms' Act," is continued with certain modifications) is applicable to all the districts within the limits of the North-Western Provinces, and to all residents therein, with the following exceptions:—

European and Anglo-Indian British subjects, and Americans and Armenians, are exempted from the operation of Sections 26 and 32 of Act XXXI of 1860.

Natives of rank, with their retainers, and other natives of respectability, according to lists from time to time sanctioned by the Lieutenant-Governor, are also exempted from the operation of Sections 26 and 32 of the same Act.

The districts of the Kumaon and Ajmere Divisions are exempted from the operation of Sections 26 and 32; and the districts of the Jhansie Division are exempted from the operation of Section 32 of the same Act.

District Officers are authorized to grant licenses to carry and possess arms freely to persons of known respectability, or to those who can show reasonable cause for requiring to possess arms for any lawful purpose.

An annual return on 1st March to be submitted showing number of licenses and of persons licensed who are alive and have not been deprived of their licenses at the date of the report. Form will be found in *Cir. Order* 8*A* of 1872.

Under the provisions of *Bengal orders*, Sections 22 to 24 of the said Act, the Lieutenant-Governor of Bengal is pleased to prohibit the transport of arms, lead, sulphur, saltpetre, and gunpowder, from or through any portion of the province of Assam and the districts of Purneah, Darjeeling, Dinagepore, Rungpore, Tipperah, Chittagong, Noacolly, Dacca, Backergunge, Mymensing, Sylhet, and Cachar, and the Cooch Behar Division, into or towards any country beyond the British frontier, except under a license granted by one or other of the following officers, that is to say, the Commissioner of Assam for the province of Assam; the Commissioner of Bhaugulpore for Purneah; the Commissioner of Rajshahye for Rungpore and Dinagepore; the Commissioner of Chittagong for Tipperah, Chittagong, and Noacolly; the Commissioner of Dacca for Dacca, Backergunge, Mymensing, Sylhet, and Cachar; and the Commissioner of the Cooch Behar for the whole of the Cooch Behar Division.

Punjab Circular Orders 33 *of* 1867.

Magistrates, when granting licenses to carry arms under the Arms Act, not to grant them without conditions, except to native chiefs and gentry, and persons entitled to honour and consideration.

All other licenses should be granted with the following conditions attached to them, *viz*:—

1.—That the arms shall only be carried when required for the specific purpose for which they are allowed,—such as sport, guarding property, &c. (the purpose to be specified in the license).

2.—That the arms are not be carried at fairs, processions, and other places or occasions of public resort where large crowds are assembled.

For further Panjab orders similar to above, see p. 1252.

WEIGHTS AND MEASURES ACT, 1870.

II.—Standards.

2. The primary standard of weight shall be called a ser, and shall be a weight of metal in the possession of the Government of India, which weight, when weighed in a vacuum, is equal to the weight known in France as the Kilogramme des Archives.

3. The primary standard of length shall be called a metre, and shall be the distance between the marks at the ends of a rod of metal in the possession of the Government of India, which distance, when measured at the temperature of melting ice, is equal to the measure of length known in France as the Metre des Archives.

4. The units of weight and measurement shall be—

for weights, the said ser;

for measures of capacity, a measure containing one such ser of water at its maximum density, weighed in a vacuum;

for measures of length, the said metre;

for measures of area, the square metre;

for measures of solidity, the cubic metre.

5. The Governor-General in Council may, from time to time, by notification in the *Gazette of India*, declare the magnitude and denominations of the weights and measures, other than the said units, to be authorized under this Act:

Provided that every such weight or measure shall be an integral multiple or integral sub-multiple of one of the units aforesaid.

The Governor-General in Council may, in like manner, revoke such notification.

Unless it be otherwise ordered in any such notification, the subdivisions of all such weights and measures shall be expressed in decimal parts.

6. The Governor-General in Council may, from time to time, by notification in the *Gazette of India*, define the limits of districts for the purposes of this Act.

The Local Government may, from time to time, by notification in the official Gazette, define the limits of sub-districts for the purposes of this Act.

7. The Governor-General in Council shall provide, in such manner and for such districts as the said Governor-General in Council shall direct, proper primary standards and sets of the said authorized weights and measures.

Such standards shall, for the purposes of this Act, be deemed the standards for such districts.

8. The Local Government shall provide, in such manner and for such sub-districts as the Local Government shall direct, copies of such of the said authorized weights and measures as shall be necessary to serve as local standards in such sub-districts.

Such local standards shall be deemed correct, until they are proved to be otherwise.

III.—Use of new Weights and Measures.

9. Whenever the Governor-General in Council considers that proper standard weights and measures have been made available for the verification of the weights and measures to be used by any Government office, or Municipal Body, or Railway Company, the Governor-General in Council may, by notification in the *Gazette of India*, direct that, after a date to be fixed therein, all or any of the weights and measures, authorized as aforesaid, shall be used in the dealings and contracts by such office, body, or company.

10. The Governor-General in Council, or the Local Government, with the previous assent of the Governor-General in Council, may, by notification in the official Gazette, direct that, after a date to be fixed therein, all or any of the weights and measures of capacity, authorized as aforesaid, shall, in every district or sub-district therein mentioned, be used in the dealings and contracts of all persons engaged in business or trade; or of the persons engaged in any specified business or trade;

and may in like manner, from time to time, alter or revoke such direction:

Provided that no such notification shall issue, until proper standard weights and measures have been provided for such district or sub-district.

11. After the date fixed in any notification under section nine or section ten, all dealings and contracts had and made by the officers, bodies, companies, or persons mentioned or referred to in such notification, for any work to be done, or goods to be sold or delivered by weight or measure of capacity, length, area or

solidity shall, in the absence of a special agreement to the contrary, be deemed to be had and made according to the weights and the measures of capacity, length, area or solidity, as the case may be, directed in such notification to be used by such officers, bodies, companies, or persons.

IV.—Wardens.

12. The Governor-General in Council (as regards the said primary standards and sets of authorized weights and measures) and the Local Government (as regards the said local standards) shall appoint wardens for the custody of the said standards and sets of authorized weights and measures.

The Governor-General in Council, or the Local Government, as the case may be, may, at any time, suspend or remove any such warden, and appoint another person in his stead.

13. All officers of Government, municipal officers, officers and servants of Railway Companies, and persons engaged in business or trades, shall, so far as they are required by the rules made under section twenty-seven, submit to a warden for verification the weights, weighing machines, and measures used by them, under the provisions of section nine or section ten, and the balances used by them in their dealings, at such times, not oftener than once in two years, and pay for such verification such fee as the said rules shall prescribe.

14. Every such warden (so far as he is required by the rules made under section twenty-seven) shall verify, and shall, if requested so to do, correct all weights, weighing machines, and measures purporting to indicate weights or measures authorized under this Act, and all balances, which are brought to him to be verified or corrected, and which appear to him fit for verification or correction.

When such weights, machines, measures, or balances are found or made correct, and in conformity with the requirements of this Act, he shall certify such correctness and conformity by stamping, engraving, or branding them with the proper mark.

15. The warden may deface, or render incapable of use, or refuse to verify, correct, or mark anything so brought, which appears to him unfit for verification or correction.

16. All prosecutions under this Act shall be instituted and conducted by a warden, or by such person as in each case the warden may appoint in this behalf.

17. On the application of a warden, any officer in charge of a Police station, and, in a Presidency town, any inspector or superior officer of Police, may enter any premises or shop within the limits of such station or town for the purpose of inspecting or searching for weights, weighing machines, and measures kept for use under the provisions of section nine or ten, and for the purpose of inspecting or searching for the balances kept for use in the dealings of the person occupying such premises or shop.

If such officer find in such premises or shop any such weight, machine, measure, or balance, which shall not be verified under the provisions herein contained, or in conformity with the requirements of this Act, he may seize the same, and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

18. Any of the powers and duties conferred and imposed by this Act on a warden, may be exercised and performed by any other officer whom the Local Government may, from time to time, appoint.

25. A Magistrate convicting any person under sections twenty, twenty-one, twenty-two, or twenty-four of this Act, or under Chapter XIII of the Indian Penal Code (*of offences relating to weighing and measuring*), may order the thing, in respect to which the conviction took place, to be brought before a warden, to be dealt with under the provisions of sections fourteen and fifteen:

Provided that, if the Magistrate consider such thing unfit for verification or correction, he may, instead of ordering it to be brought before a warden, cause it to be defaced or rendered incapable of use.

VI.—Miscellaneous.

27. The Governor-General in Council may, from time to time, make rules consistent with this Act for regulating the following matters:—

(*a.*) The appointment of wardens;

(*b.*) The guidance of wardens in all matters connected with the performance of their duties;

(*c.*) The provision, replacement, custody, and use of the standards;

(*d.*) The method of verifying local standards and weights, weighing machines and measures authorized under this Act, and balances, and of certifying such verification;

(*e.*) The errors which may be tolerated in weights, weighing machines, and measures authorized under this Act, and in balances;

(*f.*) The shapes, proportions, and dimensions to be given to weights, weighing machines, and measures authorized under this Act, and to balances, and the materials of which they may be made;

(*g.*) The marking on weights and measures authorized under this Act of their several denominations;

(*h.*) The conditions under which Government offices, Municipal Bodies, Railway Companies, and persons engaged in businesses or trades, shall be subject to inspection and verification of the weights, weighing machines, and measures authorized under this Act, and of the balances used or sold by them;

(*i.*) The fees to be paid for verifying, correcting, and certifying the verification of weights, weighing machines, and measures authorized under this Act, and of balances.

28. Such rules shall be published in the *Gazette of India.*

And the Governor-General in Council, or the Local Government, with the previous assent of the Governor-General in Council, may, by notification in the official Gazette, declare that, from and after a day to be named therein, all or any of the said rules shall come into force in respect of any Government office, Municipal Body, or Railway Company, or of the persons engaged in any specified business or trade in any district or sub-district, and thereupon, to the extent specified in such notification, such rules or rule shall have the force of law.

All fees payable under this Act shall be recoverable as though they were fines.

Schedule of Offences punishable under Act XI of 1870.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
20	Any person selling any weight, weighing machines, or measure purporting to indicate any *weight or measure authorized under this Act, and directed to be used under ss.* 9 *and* 10, *or any balance*, any or all of which have not been verified under provisions hereinbefore contained.	warden for the purpose.	N. C.	S.	B.	For every sale fine not exceeding Rs. 5, and in default imprisonment of either kind not exceeding one week.	Any Magistrate	use, or to have in possession for purposes of business or trade, and measures established throughout the United Kingdom of
21*	Any person using or having in his possession for purposes of business or trade (1) any *weight, &c.*, any or all of which are correct and in conformity with the requirements of this Act, but have not been verified under its provisions.		"	"	"	For everything so used or had in possession penalty as above.	"	section twenty-two, unless the warden shall have proved purposes of the business or trade of such person, were publicly or sub-district in which the offence was committed, and at or
22*	(2) Any weight or measure, other than weight or measure direct-		"	"	"	For every such offence, fine not exceeding Rs. 10, and	"	

	ed to be used by him under ss. 9 and 10, or any machine for the purposes of indicating any weight other than a weight so directed to be used, or any weight, weighing machine, or measure purporting to indicate any *weight, &c.*, all or any of which have not been verified under this Act, and are not correct, and are not in conformity with the requirements of this Act.	Warden or person appointed by the				in default imprisonment of either kind not exceeding a fortnight.		
24	Any person failing to submit for verification under s. 13 any weight, weighing machine, or measure used by him under the provisions of ss. 9 and 10, or any balance used by him in his dealings.		"	"	"	Fine not exceeding Rs. 50, or in default imprisonment of either kind not exceeding one month.	"	
26	Knowingly counterfeiting any mark used by a warden under s. 14.		"	"	"	Imprisonment of either kind not exceeding 3 years, and fine.	Magistrate of 2nd class.	

Fines recovered as in Criminal Procedure Code.

* Provided that nothing herein contained shall render it penal to any weight or measure, in accordance with the standards of weights Great Britian and Ireland.

28. No person shall be convicted under section twenty-one or that weights or measures verified under this Act, and suitable for the offered for sale, and procurable at a reasonable price in the district immediately before the time when the offence was committed.

Schedule of Offences punishable under Act XXXI of 1871.

Section.	Offence.	By whom to be instituted.	Cognizable or not.	Warrant or Summons to issue.	Bailable or not.	Punishment.	By what Court triable.	REMARKS.
16	Knowingly counterfeiting any mark used by a warden under section 14.*	Any person.	N. C.	S.	B.	Imprisonment of either kind for a term that may extend to 3 years, and fine.	Magistrate of 2nd class.	* 14. The warden may deface, or render incapable of use, or refuse to verify, correct, or mark anything so brought, which appears to him unfit for verification or correction.

WHIPPING.

ACT No. VI OF 1864.

WHEREAS it is expedient that in certain cases offenders should be liable, under the provisions of the Indian Penal Code, to the punishment of whipping; It is enacted as follows:—

I. In addition to the punishments described in Section 53 of the Indian Penal Code, offenders are also liable to whipping under the provisions of the said Code.

II. Whoever commits any of the following offences, may be punished with whipping in lieu of any punishment to which he may for such offence be liable under the Indian Penal Code; that is to say:—

1. Theft, as defined in Section 378 of the said Code.
2. Theft in a building, tent, or vessel, as defined in Section 380 of the said Code.
3. Theft by a clerk or servant, as defined in Section 381 of the said Code.
4. Theft after preparation for causing death or hurt, as defined in Section 382 of the said Code.
5. Extortion by threat, as defined in Section 388 of the said Code.
6. Putting a person in fear of accusation in order to commit extortion, as defined in Section 389 of the said Code.
7. Dishonestly receiving stolen property, as defined in Section 411 of the said Code.
8. Dishonestly receiving property stolen in the commission of a dacoity, as defined in Section 412 of the said Code.
9. Lurking house trespass, or house-breaking, as defined in Sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this section.
10. Lurking house-trespass by night or house-breaking by night, as defined in Sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section.

Care must be taken that this punishment is awarded in those cases only in which such a punishment is appropriate, that is to say, in petty cases and in cases where the prisoner is of tender age. It is very inexpedient to inflict the punishment of whipping alone in serious cases.

No man, who up to the time of his conviction has occupied a position of some respectability, should be subjected to this punishment, which is meant rather for persons of the lowest classes, to which usually belong those who commit such petty thefts, &c., as are properly visited with the sentence of whipping.—*Central Provinces B. C. 25 of 1867.*

If a sentence of whipping only, which is not appealable, and no other punishment has been awarded, the sentence should be carried into execution without delay. The effect of any appeal when whipping is administered as a conjoint punishment will be to ascertain the correctness of the sentence already carried out, and not to bring under review the sentence itself with a view to its revision.—*Calcutta High Court*, 314, 1864.

Attempts to commit any of these offences are not punishable with whipping.—*Calcutta High Court*, 425, 1864.

Sentences of whipping should henceforth be sent to Jail for execution, see s. 302.

III. Whoever, having been previously convicted of any one of the offences specified in the last preceding section, shall again be convicted of the same offence, may be punished with whipping in lieu of, or in addition to, any other punishment to which he may for such offence be liable under the Indian Penal Code.

Sections 7 and 9 of this Act should be borne in mind in these cases.

Both convictions must have been under the Indian Penal Code, consequently, if the first offence was committed before 1st January 1862, the offender would not, by reason of a second conviction of that offence, be liable to whipping.—*Calcutta High Court*, 425, 1864.

The offence must have been committed after a conviction of the same offence to legalize the passing of a sentence of whipping under Sections 3 and 4.—*Sarya Bin Krishna Mandakar*, 3 *Bombay*, 37, *Crown cases.*

A Magistrate should not transfer to the jail of another district a convict, who has been sentenced to imprisonment, *and* whipping, until the latter sentence has been executed, annulled, or commuted.—*Agra Sudder Court Cir.* 9, 1865.

IV. Whoever, having been previously convicted of any one of the following offences, shall be again convicted of the same offence, may be punished with whipping in addition to any other punishment to which he may be liable under the Indian Penal Code; that is to say: —

1. Giving or fabricating false evidence in such manner as to be punishable under Section 193 of the Indian Penal Code.

2. Giving or fabricating false evidence with intent to procure conviction of a capital offence, as defined in Section 194 of the said Code.

3. Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment, as defined in Section 195 of the said Code.

4. Falsely charging any person with having committed an unnatural offence, as defined in Sections 211 and 377 of the said Code.

5. Assaulting or using criminal force to any woman with intent to outrage her modesty, as defined in Section 354 of the said Code.

6. Rape, as defined in Section 375 of the said Code.

7. Unnatural offences, as defined in Section 377 of the said Code.

8. Robbery or dacoity, as defined in Sections 390 and 391 of the said Code.

9. Attempting to commit robbery, as defined in Section 393 of the said Code.

10. Voluntarily causing hurt in committing robbery, as defined in Section 394 of the said Code.

11. Habitually receiving or dealing in stolen property, as defined in Section 413 of the said Code.

12. Forgery, as defined in Section 463 of the said Code.

13. Forgery of a document, as defined in Section 466 of the said Code.

14. Forgery of a document, as defined in Section 467 of the said Code.

15. Forgery for the purpose of cheating, as defined in Section 468 of the said Code.

16. Forgery for the purpose of harming the reputation of any person, as defined in Section 469 of the said Code.

17. Lurking house-trespass or house-breaking, as defined in Sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this section.

18. Lurking house-trespass by night or house-breaking by night, as defined in Sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section.

The previous conviction must have been for the *same* offence as that under trial, in order to legalize a sentence of whipping under Section 4. Provisions of Sections 7 and 9 of this Act should be borne in mind.

V. Any juvenile offender who commits any offence, which is not by the Indian Penal Code punishable with death, may, whether for a first or any other offence, be punished with whipping in lieu of any other punishment to which he may for such offence be liable under the said Code.

The Agra Sudder Court have held that "juveniles" are persons under 16 years of age.—*May* 7, *Sept.* 24, 1864.

A juvenile offender cannot, under this section, be punished with whipping *and* imprisonment.—*Calcutta High Court, Abdool, July* 5, 1864.

These offenders should be punished at the Jail, see s. 202.

VI. Whenever any Local Government shall, by notification in the official Gazette, have declared the provisions of this section to be in force in any frontier district or any wild tract of country within the jurisdiction of such Local Government, any person who shall, in such district or tract of country, after such notification as aforesaid, commit any of the offences specified in Section 4 of this Act, may be punished with whipping in lieu of any other punishment to which he may be liable under the Indian Penal Code.

VII. No female shall be punished with whipping; nor shall any person who may be sentenced to death, or to transportation, or to penal servitude, or to imprisonment for more than five years, be punished with whipping.

IX. When the punishment of whipping is awarded in addition to imprisonment, by a Court whose sentence is open to revision by a superior Court, the whipping shall not be inflicted until fifteen days from the date of such sentence, or if an appeal be made within that time, until the sentence is confirmed by the superior Court; but the whipping shall be inflicted immediately on the expiry of the fifteen days, or, in case of an appeal, immediately on the receipt of the order of the Court confirming the sentence, if such order shall not be received within the fifteen days.

The punishment of whipping being an alternative one and in the discretion of the Magistrate, a Judge on appeal cannot order it in lieu of imprisonment.—4 S. W. R., C. L., 12. *See per contra*, *s.* 280, *p.* 239.

X. In the case of an adult, the punishment of whipping shall be inflicted with such instrument in such mode and on such part of the person as the Local Government shall direct; and in the case of a juvenile offender, it shall be inflicted in the way of school discipline with a light rattan. In no case, if the cat-of-nine-tails be the instrument employed, shall the punishment of whipping exceed one hundred and fifty lashes, or if the rattan be employed, shall the punishment exceed thirty stripes. The punishment shall be inflicted in the presence of a Justice of the Peace, or of an officer authorized to exercise any of the powers of a Magistrate, and also unless the Court which passed the sentence shall otherwise order, in the presence of a medical officer.

CIRCULAR ORDER No. 3 OF 1864, N. W. P.

7. The Court directs the attention of the criminal authorities to the notifications of the Local Government, Nos. 69A and 88A, dated the 12th and 21st March 1864, respectively. The former directs that when a sentence of whipping has been passed upon an adult, the punishment shall be inflicted on the buttocks with a rattan in the usual manner. The latter prescribes the dimensions of the rattan, which shall be at least 4, and not more than 4½ feet in length, and from 1 to 1½ inches in circumference.

WILD ANIMALS, DESTRUCTION OF.

"As regards cities and towns, the sweepers furnish an agency for killing dogs at so much a head, and the Police have only to see that it is done; the Magistrate must make use of the Police thus far. The Police will not kill dogs themselves, but when the nuisance attracts attention, the Police will see that the sweepers do the work with their spears and clubs. The rewards to be paid by Municipal Funds.—*Cir.* 22 *of* 1872.

Municipal and Cantonment Committees to make arrangements for killing and payment of rewards for killing dogs, and pay all expenses incurred from their own fund.

The Police must take this matter upon themselves; they must indicate the parties to whom licences to carry firearms may be granted; they must encourage the systematic slaughter, and occasionally superintend a combined attack."—*Cir.* 96 *of* 1861.

Circular 104 *of* 1861.—In continuation of Circular 96 of 1861.

Under recent orders of Government, the agency of the Police department is to be made use of for the destruction of wild beasts. But the Deputy Commissioner must still see the work done. He must organize and control the arrangements, and must distribute the rewards and arms and ammunition, if required. He must, especially in his annual tours, make all necessary enquiries into the condition and circumstances of those villages in which most casualties to human life occur, and he must aid the villagers with his advice and instructions. Care should be taken that cases of child-stealing and infanticide are not concealed under reports of destruction by wild beasts.

3. The following is the scale of rewards allowed by Government for the slaughter of wild beasts.

Bears, grown, male or female	Rs.	6	each.
Cubs	"	3	"
Leopards, grown, male or female	"	6	"
Cubs	"	3	"
Tigers, male or female	"	5	"
Do. do. in the Huzara and Kangra districts and the Mooltan Division specially	"	15	"
Wolves, grown, male or female	"	5	"
Cubs	"	1	"

Rewards are not sanctioned for the slaughter of hyenas or boars, which ordinarily are not destructive of human life. Larger rewards have been in some districts experimentally sanctioned, but without any marked success: it appears better to reserve a discretionary power to recommend to Government larger rewards for individuals or tribes who distinguish themselves in this work.

4. At the sudder station, the rewards should be paid in the presence of the Deputy Commissioner or the District Superintendent of Police, or any member of the Judicial staff; at outposts, in the presence of the officer in charge; at the head-quarters of Tehseels, the rewards should be disbursed by the tehseeldars: in each case, the disbursing officer should carefully assure himself that the reward reaches the right person, and is paid in full. He should have the ears of the slaughtered animal cut off at once and destroyed, so that the same animal may not be brought forward a second time.

5. Plain paper licences may be given by the Deputy Commissioner to native huntsmen (shikaries), conditional upon each licensee's presenting a wolf's head at stated periods; of course, the prescribed reward will also be paid. The Police department will indicate the parties to whom such licences may be given, but the Deputy Commissioner should see that the privilege is not abused, and that this permission is not allowed to result in a practical disregard of the Arms Act. A list should be kept in which the labors of each licensee should be noted, and should be revised periodically, and the licence should be withdrawn from any person who may have failed to comply with the conditions. This plan has been found to work well in some districts. The free licence is, of course, much valued: it enables the licensee to earn the prescribed rewards and to protect crops from the depredations of deer, wild boars, &c. As an additional incentive, an individual whose prowess has been remarkable should be brought to the notice of the Police District Superintendent, who may be glad, when opportunity offers, to entertain an active fellow if otherwise fit for the service. Presents of arms, ammunition, honorary dresses, may fairly be the reward of distinguished exertions.

6. In the same way, plain paper licences may be granted by Deputy Commissioners to select head men (lumberdars) of villages for the destruction of wild animals which injure their crops. The licencees should be required to show, at the commencement of every quarter, what use they have made of the arms during the quarter preceding.

7. It has also been suggested to some districts to organize bands of native huntsmen, composed of such tribes as Sansees, Bowreahs, Harnees, Mahtums, Bowroopias, paid from the local funds, to search out and exterminate wolves by efforts concentrated successively in particular localities. It has been objected that the people do not like leaving the neighbourhood of their own homes; and one or two Deputy Commissioners have reported that the plan has failed, but without offering any explanation. In one district, the plan was tried of placing the huntsmen under a European Superintendent; this plan also was reported to have produced no results.

8. In some places, Chooraha themselves track and hunt wolves into their dens, and smoke them to death. Elsewhere, huntsmen construct a kind of pit-fall, hedged round, except at one entrance, by thorns: the side opposite the entrance is baited; to reach this bait, the wolf crosses a false surface and falls into the pit prepared for him. Both these plans should be encouraged.

9. It remains now to notice the only other plan that has been ordered to be tried, *viz.*, that of the wolf-trap used in Germany. Two traps, constructed on the same principle, but differing in details, have been tried.

The first was ordered in June 1860, in eight districts in which wolves most abound. It is described in the following words by Captain Hall, at whose suggestion it was tried. The trap to consist of two concentric circles of stakes; the inner circle being 6 or 8 feet in diameter, the outer 14 inches from the circumference of the inner. The stakes to be 10 feet long: those of the outer circle to be driven 4 feet into the ground; the inner 2 feet. The stakes to be driven in close together and interwoven with twigs. They may be plastered with mud, rendering the trap more like a house, and causing it to present a less suspicious appearance.

The inner circle to have no opening whatever but at top, the outer to have one door on a counterpoise.

A young kid to be put into the inner circle to attract the wolf by its bleating.

The wolf having gone in, will go round and round the enclosure swinging the door to each time he passes, and thus preventing his exit. The width of the passage will not admit of his turning round, nor of his burrowing out. He will thus be fairly trapped and become easy prey. A trap with an inner circle of 8 feet diameter should not exceed in cost 40 rupees, if made with bullees, assuming that rough stakes are not procurable in the neighbourhood. The dimensions may, however, be reduced at will.

The Deputy Commissioner, Umritsur, was permitted at his own suggestion to make the trap portable, by having it constructed on a wooden stage with wheels, so that it might be moved from one place to another without being taken to pieces.

The second trap was ordered to be tried in the Umritsur Division in March last. It is merely a modification of the first, the outer fence being placed only 6 or 8 inches from the inner fence, so as to be just sufficient for a wolf to walk round between them with his flanks touching both; and having several doors instead of only one for the wolf to enter.

No wolves are reported to have been trapped. I think, however, that these traps should still have fair trial; officers should see that the traps are properly constructed according to the directions, especially that the doors are not allowed to open outwards, and thus permit a wolf to escape after he has been trapped, and that the traps are regularly baited.

10. An annual report should be furnished by Deputy Commissioners to Commissioners, and by Commissioners to this office, in forms No. 17 and No. 31 of the Judicial Book of Forms, showing the results for the year under report, and for the year immediately preceding, and with any remarks or suggestions that may seem necessary.

11. There is no question that the disarming of the rural population has resulted in the increase of wild animals, and that the actual loss of human life is great, and it is to be feared that the loss of missing children murdered for their ornaments, or by their relations in the case of females, is imputed falsely to wild beasts. It has also been remarked, that in districts where goats abound, the number of children lost is inconsiderable.

12. The evil is a deplorable one, and the attention of every district officer is urgently called to the subject; no exertion should be spared.

In North-West Provinces arms are to be freely granted to lumberdar or respectable zemindars of villages where wild animals are numerous.—16*A of* 1864.

Skulls of animals brought in for reward to be broken up before reward is given.—*Cir. Order* 9 *of* 1865.

WRITING, PUNJAB

3. The Lieutenant-Governor would only direct, as an invariable rule for the future, that, before any appointment be granted to any native copyist or writer in a Judicial or Revenue Court, he be subjected to an examination in caligraphy, in the presence of the district officer, or one of his assistants, writing from dictation as quickly as depositions are ordinarily recorded in the Courts; that no person be hereafter appointed who cannot write a clear good hand; and that, should he, after passing the prescribed examination, adopt a careless and slovenly style, he will be liable to immediate dismissal. A writer or copyist who is unable to write intelligibly is useless or worse than useless, and cannot complain if he be dismissed—*Gazette, August* 16, 1872.

PUNJAB NOTIFICATION UNDER ARMS ACT.

The 20*th May* 1873.

No. 2025.

2. S. 32 is in force (except in regard to certain classes and persons specially exempted as hereinafter detailed) in districts of—

Dehli.	Gujránwála.
Gurgáon.	Gujrat.
Karnál.	Jhelam.
Hissár.	Ráwalpindí.
Rohtak.	Shahpúr.
Sirsa.	Jhang.
Ambálah.	Muzaffurgarh.
Ludiánah.	Multán.
Jálandhar.	Montgomery.
Amritsar.	Siálkot.
Lahore.	Hushiárpúr.
Fírozpúr.	Gurdáspúr.

3. In the following districts, s. 32 is not in force:—

Peshâwar.	Derah Gházi Khan.
Hazára.	Bannu.
Kohat.	Simla.
Derah Ismail Khan.	Kángra.

4. The following classes and persons are specially exempted from provisions of s. 32 and s. 26 in addition to those exempted under the provisions of s. 27 of the Act:—

(1).—All Europeans, Americans, and Anglo-Indian subjects.

(2).—Certain chiefs, jagírdár Magistrates and vakils named in *Punjab Gazettes* of the 1st September 1860, 28th November 1860, 13th July and 21st September 1864.

(3).—All Honorary Magistrates in the Punjab.

5. Overseers and assistant overseers of the mail line of the Postal Department in the Punjab are exempted from taking out licenses to carry arms under s. 26, so long as they continue in the service of Government.

SUPPLEMENTARY APPENDIX.

BRINJARAH CHALLANS, CENTRAL PROVINCES.

BOOK CIRCULAR 16 OF 1872.

THE challan will be issued to a tanda at starting from its monsoon quarters by the Police station-house officer of the range which it may be leaving. It will be examined and tested by each station officer through whose range the tanda may pass; and on the return of the tanda to its ordinary quarters, the challan will be returned to the office of issue, when it will at once be sent with the station diary to the District Superintendent of Police, any change of monsoon quarters being mentioned at the same time.

2. The District Superintendent will then at once communicate with the Police authorities of any district in which adverse remarks may have been recorded on the challan of the tanda.

3. The Superintendent of Police will then enter in his English register of Brinjarah tandas the route taken by the tanda, and will note any unfavorable remarks which may be called for, or any circumstances requiring explanation or enquiry, such as an increase of boys or girls, any large addition to the cattle, or any criminal prosecution of members of the tanda during its absence from the "Kooree" or monsoon quarters.

4. The chief object of this challan system is to check kidnapping.

5. In the heading of the challan will be entered the name of the Naik of the tanda.

Should the chief of the tanda not accompany the moving tanda, some other influential man (usually to be selected by the Brinjarahs themselves) should be placed in charge, his name being entered in the first column of the challan.

6. In column 10 of the challan the route to be taken and the purpose of the journey will be noted, whenever it is possible for the Brinjarahs to give that information.

7. With moving tandas of known bad character a constable will be sent from one station range to another and will carry the challan.

With respectable tandas the Naik will carry the challan. Whoever has charge of the challan will have it viseed by the station officer (or senior officer present) of each range entered by the tanda.

8. Column 15 of the challan will be kept for the attestations of station officers or inspectors, whose duty it may be to inspect the tanda, and by them will be noted the dates of inspection and any particulars demanding record, each such inspection being entered in their diaries.

9. Whether a station officer inspecting a moving tanda were to find it necessary to detain it in view to any prosecutions, or were simply to discover circumstances involving suspicion, he would of course report in his daily diary all that had come to his notice in connexion with the tanda.

10. A form of the English register of Brinjarah tandas to be kept in each District Superintendent's office. All station-house officers sending in the requisite returns by 1st September each year.

The English register is to be annually revised by District Superintendents during the month of September.

11. A similar system of challans for Brinjarah moving tandas in the Hydrabad Assigned Districts will come into operation simultaneously with that herein prescribed for adoption by the Central Provinces Police.

The District Superintendents in the Central Provinces to cooperate heartily with the District Superintendents in Berar in introducing and working the system now prescribed.

12. Brinjarahs usually leave their "Koorees," or monsoon quarters, and camp out in the open at the time of the "Dusserah," and at the time of the Dewallee (which generally falls about the 24th October) go off on their expedition.

13. Challans of tandas that have come from Berar and that are moving through the Central Provinces must be viseed and noted upon in precisely the same way as the challans issued by Police officers of the Central Provinces, and when a tanda which has started from Berar takes up its quarters for the monsoons in the Central Provinces, the challan which accompanies it must be sent by the District Superintendent in whose district it has remained to the Superintendent of the district from which it started.

BOUNDARIES, N. W. P.

VI. Magistrates are prohibited from taking cognizance, under Act IV of 1840, of boundary disputes of the nature of which provision is here made; but whenever they have reason to apprehend any breach of the peace in consequence of a disputed boundary, they shall certify the circumstances to the Collector of land revenue, who shall be bound immediately to mark off the boundary in the mode here indicated, and to uphold the possession of the parties according to the demarcation.—See also Sec. 530, p. 410.

CATTLE TRESPASS, N. W. P.

CIRCULAR ORDER 12A OF 1872.

2. All pounds within a municipality to be shown only in municipal accounts. On the receipt side, the gross income, and on the expenditure side, the gross charge will be shown.

3. The profits from other pounds to be at disposal of Magistrate of district.

4. In drawing up pound budget, Magistrate to estimate his receipts on the actual receipts during the past year from fines, sale of cattle, and miscellaneous items of non-municipal pounds modified by any circumstances that may lead him to expect a change. Similarly, on charge side he will estimate for the items under heads 9—12 and local improvements. The actual surplus which remained in the past year after defraying all these necessary charge will be the sum he will estimate for local improvements.

5. An annual report on actual working will be submitted by Magistrate of district to Commissioner before May 1st, the accounts being shown under following heads:—

1. Number.
2. Name of pound.
3. Number of cattle pounded and released on payment of fine.
4. Amount of fines received.
5. Number of cattle pounded and sold as unclaimed.
6. Amount received by sale of cattle.
7. Miscellaneous receipts.
8. Total income of pound.
9. Pay of pound-keeper.
10. Feed of unclaimed cattle.
11. Repairs and construction of pounds.
12. Miscellaneous charge.
13. Total expenditure.
14. Surplus.
15. Deficit.

6. The feed of cattle under head 3 need not appear on either side of the accounts. All other receipts and charges to be shown. Surplus that remains will be the sum to be budgetted in the ensuing year for local improvements.

7. In the report Magistrate should compare actual totals under heads 8 and 13 with sums estimated in his budget for the year, and where necessary give explanation of the difference. He should also state the sum allotted during past year for local improvements and give details of the manner in which it has been spent.

8. With the report should be a certificate from treasury officer attesting payment of past year's surplus into treasury.

EPIDEMICS.

Quarter-Master-General's Cir. Memo. 78 *of* 1872.

Civil authorities to cut off or isolate infected spots in the district so as to prevent ingress from such centres into cantonments, their duty is to watch the great thoroughfares and ferries of their district, and direct the movements of small bodies of natives coming from fairs or pilgrimages.

The Military not the Police to establish quarantine and draw cordon sanitaire when necessary, they can employ the troops to protect their lives and the bazar by any other means at their disposal.

EVIDENCE ACT.

SECTION 32, CLAUSE 2.

The prisoner was charged with forging for the purpose of cheating and using as genuine a forged railway receipt or bill of lading, for the purpose of obtaining from the East Indian Railway Company certain goods which had been entrusted to the Company to be carried from Delhi to Calcutta. The Standing Counsel for the prosecution sought to prove the delivery of the goods to the Railway Company by putting in a letter from the consignor at Delhi to his partner in Calcutta advising the despatch of the goods. He submitted that the letter was a "document used in commerce, written or signed" by a person "whose attendance could not be procured without an amount of delay and expense which, under the circumstances of the case," would be unreasonable, and therefore that it was relevant under Section 32, Clause 2. The Court refused to receive the evidence, and intimated a doubt whether such a letter would, under any circumstances, be receivable, since it was beyond the instances specified in the section—*Calcutta High Court*, 1872.

EXTRADITION.

Procedure which should be followed to obtain delivery from a Native State of a subject of such State charged with an offence committed in British Territory.

Such cases are not governed by the Extradition Law (Act XI of 1872) which relates only to the surrender to Native States of their criminals taking refuge in British territory. That Act in no way affects the demands of the British Government on Native States, whether extradition treaties exist with them or not. Magistrates should be directed to act promptly in the manner prescribed in the extract hereto appended, in all cases where the surrender of criminals from Native States may be necessary.

Extract from the Proceedings of the Government of India in the Foreign Department (Judicial), No. 158J, dated Simla, the 8th August 1871.

His Excellency in Council considers that the offences for which we demand the surrender of the subjects of our Native Feudatory States should be limited to those for which we may authorize our officers to surrender the subjects of the Native States. In the case of our own subjects, a larger catalogue should be allowed. But in every case in which a demand is made, it should be made by our Magistrates, not to the State direct, but through the Political officer where there is one; and the demand should invariably be accompanied by a copy of any depositions made or where no evidence has yet been taken, by a statement of the information on which the arrest of the offender is deemed necessary. It should rest with the Political Agent, if necessary to call on the Magistrate for further evidence, but if the Political Agent possesses the influence and weight he ought to have, he will seldom fail to obtain compliance with any reasonable demand made to the durbar to which he is accredited for the surrender of an absconded criminal.

INFANTICIDE. N. W. P.

CRIMINAL LETTER No. 915A OF 1872.

Under orders received from Government, the statement appended to this circular to be substituted for that annexed to the G. O. No. 102 of 1872.

The orders require the submission from you of two returns, quarterly and yearly in the annexed form. The first return will be by villages, the second by clans. For the second statement you will have to alter the heading "village," column 2, to "clan," and you will give against each clan that has been proclaimed in your district the same information as to population, births, deaths, marriages, &c., as you have already furnished by villages in the first statement.

4. The statistics to be entered in the columns following column 7 are to be for two periods; the first period A commencing from the date of the special census taken in your district for infanticide (or any subsequent date at which the figures may have been corrected, and a new point of departure taken with the sanction of Government), and terminating with the *commencement* of the quarter you are reporting on; the second period B being from the commencement to the close of the quarter under report. You will be most careful to see that the entries are correctly made for these two periods. The figures contained in A plus B of one report will be the figures in A of the next report. The number of children or minors can be increased in only two ways—(*1st*) by births in; (*2ndly*) by arrivals at, the village. Their numbers can be decreased on the other hand from one of three causes, *viz.*, (*1st*) by deaths; (*2ndly*) by removals from the village; (*3rdly*) by their being moved up when attaining the age of 12 years into columns 26 and 27 of the statement.

Per contra the number of adults can only be affected by one of four causes: (*1st*) by children, who have become adults, *i.e.*, (exceeding 12 years of age) being moved up into the columns for adults (columns 26 and 27); (*2ndly*) by deaths from amongst their numbers; (*3rdly*) by the removals from amongst their numbers to other villages; (*4thly*) by arrivals of adults from other villages, into their number.

5. In calculating the net population, no account must be taken of marriages, since adults or minors marrying either remain in, or remove from the village. If they remain on, they should be shown under their proper heads of "adults" or "minors," as the case may be; if they leave the village, they should be shown under "removals."

6. Both quarterly and annual returns are to be accompanied by reports in which the following points are to be noticed:—

(1.)—The proportions of births of boys to births of girls, and of all births to total population, and whether the said proportions, judging by the standards given

in the marginal note to paragraph 2 of the G. O., are to be regarded as normal or suspicious; if the latter, what steps you have taken to test the returns.

(2.)—The number of deaths of all girls as compared with those of boys under one year, and the proportion borne by the total of such deaths to the total of population.

Further, in all cases of girl-deaths below six months a local inquest has to be held. If the juries at such inquests have returned a verdict of natural death, it will be sufficient (unless there be any cause to question the verdict) to note the fact. If on the other hand, the body of the deceased child has been sent in for examination by the Civil Surgeon, his recorded opinion on the case must be given in full, and the proceedings taken thereon by the Magistrate must also be described, *viz.*, whether the Magistrate ordered the case to be filed, or to be inquired into, and if the latter, with what result, *viz.*, with the apprehension, conviction, or acquittal of parties, or with a totally fruitless result, as the case may have been. In the quarter under report the result of inquiries of this nature pending from preceding quarter have also to be noted.

(3.)—Report all punishments of chowkeedars, midwives, heads of families, and of lumberdars for breaches of the repressive rules, if any such punishments have have been inflicted during the quarter under report. If there have been none such, state the fact.

(4.)—Refer by the serial number of the statements to the villages and clans from which reports of pregnancies have to be made, and whether such reports are regularly made, and carefully enforced.

(5.)—State whether the registers of midwives are carefully kept up, how many names are entered therein; and that you have satisfied yourself that the women so registered are really the accredited practitioners of the families of the clans for whom they are supposed to practice.

(6.)—All deaths are to be registered; those of boys as well as girls under 1 year are to be specially noticed in the report; but the deaths of all members (adults or minors) of the proclaimed families are to be entered in the column "above 1 year." It will be well to test the entries of deaths from time to time by comparison with the mortuary returns kept by the Police.

7. The statement annexed to this letter supersedes the former statement D prescribed by Government. The data as to the age of children exceeding the age of 12 years who are to be moved up, as they exceed that age, into the column of adults in net population, must be obtained from the nominal registers A and C of the proclaimed families, which are kept up in the Police offices, and such information is not to be sought for or found in the preceding columns of the amended statement annexed to this letter. It is only necessary to fill up the column of "net resultant population" at the close of the financial year, and not quarterly or half-yearly.

8. Reports and returns are to be submitted quarterly by the financial year.

Amended Statement to be annexed to Government Order No. 102A, dated 1st August 1872.*

Number	VILLAGE.	Population at last Census. Adults. Males.	Population at last Census. Adults. Females	Population at last Census. Minors under 12 Years of Age. Males.	Population at last Census. Minors under 12 Years of Age. Females.	Period of Report.	Births. Boys.	Births. Girls.	Arrivals. Adults. Males.	Arrivals. Adults. Females.	Arrivals. Minors. Males.	Arrivals. Minors. Females.	Deaths. Males. Under 1 Year.	Deaths. Males. Between 1 and 12 Years.	Deaths. Males. Over 12 Years, i.e., Adults.	Deaths. Females. Under 1 Year.	Deaths. Females. Between 1 and 12 Years.	Deaths. Females. Over 12 Years, i.e., Adults.	Removals. Adults. Males.	Removals. Adults. Females.	Removals. Minors. Males.	Removals. Minors. Females.	Marriages. Males.	Marriages. Females.	Net resultant Population. Adults. Males.	Net resultant Population. Adults. Females.	Net resultant Population. Minors. Males.	Net resultant Population. Minors. Females.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	
1						A. B.																							
2						A. B.																							
3						A. B.																							
4						A. B.																							
5						A. B.																							
6						A. B.																							

A. Stands for "from date of census to beginning of quarter."
B. Stands for "during quarter."

* This is the form given as Form D on p. 34.

MUNICIPAL CHOWKEEDAREE, N. W. P.

CIRCULAR ORDER No. 790A OF 1873.

The following hints with reference to the proper employment of chowkeedaree assessments have been lately received :—

1. Cost of collection not to absorb more than 10 per cent. of the proceeds of the tax, should in no town exceed Rs. 120 per annum with about Rs. 6 for stationery and contingencies.
2. If possible sudder office to be amalgamated with Local Funds establishment, and in no district to exceed Rs. 126.
3. No increase or decrease to be made in the Police force without special sanction of Government obtained through Inspector-General.
4. Out of surplus, after above charges, fair provision to be made for conservancy.
5. Utilise primarily the balance on works of sanitary improvement; drains, roads, &c., having been constructed, tanks cleared or deepened, and objectionable pits filled up, serais, dispensaries, &c., may be taken up.
6. Generally spend the income realized within the year, and do not allow balances to accumulate.
7. If balance available, allotments may be well made for vaccinators.
8. Grants for education not to be made unless town is well provided with the first necessaries for cleanliness and health.

OATHS AND AFFIRMATIONS FOR WITNESSES, INTERPRETERS, AND JURORS, FORMS OF.

No. 4 OF 1873, N. W. P.; AND No. 9 OF 1873, PANJAB.

(1), (2) *Oath for Witness, in cases tried by a Jury.*

The evidence which I shall give to the Court* *(and the Jury touching the matters in question between our Sovereign Lady, the Queen, and the prisoner at the Bar)* shall be the truth, the whole truth, and nothing but the truth.

So help me God.

(3) *Affirmation for Witness, in cases tried by Jury.*

I solemnly affirm in the presence of Almighty God that the evidence which I shall give to the Court* *(and the Jury touching the matters in question between our Sovereign Lady, the Queen, and the prisoner at the Bar)* shall be the truth, the whole truth, and nothing but the truth.

(5), (6) *Oath† for Interpreters.*

I shall well and truly interpret what is deposed by the witness, between our Sovereign Lady, the Queen, and the prisoner at the Bar.

So help me God.

(7), (8) *Oath† for Jurors.*

I shall well and truly try, and true deliverance make, between our Sovereign Lady, the Queen, and prisoner at the Bar, and give a true verdict according to the evidence.

So help me God.

* For witnesses in other criminal cases omit the words in italics.

† In the case of affirmation prefix these words:—"I solemnly affirm in the presence of Almighty God," and omit the words "So help me God."

PENAL CODE, SECTION 498.

PANJAB BOOK CIRCULAR No. X OF 1872.

In cases under Section 498, Indian Penal Code, where the fact of an existing marriage between the complainant and the woman enticed away is in issue, it is not an uncommon practice for the Court trying the case to stay proceedings on the criminal side, and to refer the prosecutor for redress to the Civil Court.

Such a procedure is irregular. It is optional to the injured person to seek redress either in the Criminal or Civil Court. If he elects the former, the Court has no authority to refuse a hearing, and to pass an order which entails upon him the delay and expense of a civil suit.

3. The fact of the woman being a wife is as essential to the offence defined under Section 498, Indian Penal Code, as the fact of her having been enticed or taken away; and there is no reason why it should not be as fully enquired into in a criminal trial as any other point which goes to make up an offence.

PERIODICAL RETURNS AND COURT REGISTERS.

Oudh officers will find elaborate rules for these in Book Circular 29 of 1872.

PLEADERS AND MUKHTARS, N. W. P.

The Court declares that it will regard any payment or allowance made by an advocate or vakeel of the Court, in any shape, direct or indirect, open or disguised to any dullal or to any agent or person whomsoever which may be proved to the satisfaction of the Court, as grave professional misconduct, and will deal with it accordingly.

(Adopted by the Panjab Chief Court.)

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The Hindustani equivalent is that given in the translation authorized by Government. This is often not the best; occasionally the more familiar terms are, therefore, substituted or placed in juxtaposition with the official rendering of the word in question.

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CALCUTTA: PRINTED BY THACKER, SPINK AND CO.